



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.4441 OF 2025 (MV-I)

BETWEEN:

GNANESH N S/O SHANKAR,
AGED ABOUT 39 YEARS,
R/AT 155/1, VINAYAKA ROAD,
K.N.PURA, NEXT TO GANAPATHI TEMPLE,
MYSURU - 571118.

...APPELLANT

(BY SRI. SREENIVASAN.M.Y., ADVOCATE)

AND:



1. YOGANANDA K S/O KRISHNEGOWDA,
MAJOR, R/AT KUPPE VILLAGE,
K R NAGAR TALUK,
MYSURU DISTRICT - 571125.
2. KULDEEP N S/O NANJUNDASWAMY N,
MAJOR, NO.01-29-01,
O.P/MALLAPURAM,
KOLLEGALA TALUK,
CHAMARAJANAGARA
DIST-571441.



3. THE BRANCH MANAGER,
IFFCO TOKIO GENERAL
INSURANCE CO. LTD.,
2ND FLOOR, NO.846,
NEW KANTHARAJ URS ROAD,
ABOVE KRISHNA BAKERY,
NEAR AKSHAY BHANDRA,
KUVEMPUNAGAR,
MYSURU - 570023.

...RESPONDENTS

(BY SRI. D.VIJAYAKUMAR, ADVOCATE FOR R3;
NOTICE TO R1 & R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF M.V.ACT AGAINST THE
JUDGMENT AND AWARD DT.17.02.2025 PASSED IN MVC
NO.1875/2022 ON THE FILE OF THE PRINCIPAL SMALL CAUSES
AND SENIOR CIVIL JUDGE AND MACT, MYSURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.3. Notice to respondent Nos.1 and 2 is dispensed with. The ranks of the parties are retained as per Tribunal for the sake of convenience.

2. This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988, challenging the judgment and award dated 17.02.2025 passed in MVC No.1875/2022 on the file of the Principal Judge, Court of Small Causes and MACT, Mysuru.

3. The injured claimant met with an accident on 11.09.2022 and filed claim petition before the tribunal claiming compensation of Rs.40,00,000/-. The tribunal considering the entire evidence on record granted an amount of Rs.9,46,600/- with interest at the rate of 6% p.a., from the date of petition till its realization including interim compensation if any awarded. Aggrieved by the



said order, the appellant preferred an appeal and mainly contended that he examined the Doctor as PW.3 and the Doctor has assessed the right lower limb disability as 48.38% but the tribunal erroneously taken the said disability as 12% instead of 16% and it is further stated that the appellant was doing goldsmith work and was earning Rs.20,000/- per month. But the tribunal has taken his income as Rs.15,500/- per month on the lower side and the amounts granted on the other heads are also meager. Thus, he requested for enhancement of compensation.

4. Though it is stated that the appellant was earning Rs.20,000/- per month, he has not filed any income proof. As he met with an accident in the year 2022, the tribunal has rightly considered his notional income as Rs.15,500/- per month. He was aged 36 years at the time of accident. Therefore, the applicable multiplier is '15'.



5. The appellant was diagnosed with grade - III B compound fracture of right leg bones with heel pad injury and vascular compromise for which he underwent treatment as an inpatient during which he underwent surgery of wound debridement + OR and LRS application on right leg with SSG on 14.09.2022 and as the petitioner experienced severe pain and other issues, he was once again admitted to Vidyaranya Hospital on 30.09.2022 where he underwent treatment as an inpatient during which he even underwent another surgery and was eventually discharged on 08.09.2022 and thereafter the petitioner was admitted once again on 22.10.2022 and he underwent surgery of flap division + juset and was discharged on 23.10.2022.

6. The appellant has examined the Doctor as PW.3 and he assessed the disability of the right lower limb as 48.38%. Therefore, $1/3^{\text{rd}}$ of the same comes to 16%. But the tribunal has taken the same as 12% without any basis. Therefore, it is to be modified. Accordingly, the 'loss of



future earning capacity' comes to at **Rs.4,46,400/-** (Rs.15,500×12×15×16%). The amounts granted under the other heads are just and reasonable and it is confirmed. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and sufferings	75,000/-
2	Towards medical expenses	3,94,800/-
3	Towards diet, food, nourishment, attendant and conveyance charges	60,000/-
4	Towards loss of future earning capacity	4,46,400/-
5	Towards loss of income during laid up period	62,000/-
6	Towards loss of amenities	20,000/-
7	Total	Rs.10,58,200/-
8	Total compensation awarded by tribunal	Rs.9,46,600/-
9	Enhanced compensation (10,58,200-9,46,600)	Rs.1,11,600/-

7. Thus, the compensation is enhanced from **Rs.9,46,600/- to Rs.10,58,200/-**. Hence, the



appellant-claimant is entitled for a total compensation of
Rs.1,11,600/- along with interest at the rate of 6% p.a.

In the result, the following order is passed:

ORDER

- i. The appeal is ***allowed*** in part.
- ii. Respondent No.3-Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.3-Insurance Company is directed to deposit enhanced compensation of **Rs.1,11,600/-** along with interest at the rate of 6% per annum within one month from the date of this order.
- iii. On such deposit, petitioner-appellant is permitted to withdraw the entire amount along with interest accrued on the same.

**Sd/-
(P SREE SUDHA)
JUDGE**