



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4655 OF 2024 (MV-I)

BETWEEN:

1. SOMASHEKAR
S/O VENKATESH
AGED ABOUT 44 YEARS
R/O HOUSE NO.163-B,
THAMSANDRA VILLAGE, BANNIKUPPE,
GIREENAHALLI, KANAKAPURA TALUK,
RAMNAGARA DISTRICT - 562117

...APPELLANT

(BY SRI. KALLESHA K. FOR SRI R.SHASHIDHARA-ADVOCATES)

AND:

1. NAGENDRA
S/O ADYAPPA
AGED MAJOR, R/O BELANTHARU VILLAGE,
KADUGODI POST, BANGALORE EAST
BANGALORE - 560067
2. THE CHIEF MANAGER
IPCO TOKIYO GENERAL INSURANCE CO. LTD.,
K.S.C.M.F BUILDING, 3RD FLOOR,
3RD BLOCK, NO.8 CUNNINGHAM ROAD,
BANGALORE - 560052

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A. FOR SRI B.PRADEEP - ADV.
FOR R2. V/O DT. 3.3.26 NOTICE TO R1 D/W.)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.09.02.2024 PASSED IN MVC
NO.255/2020 ON THE FILE OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, RAMANAGARA, SIT AT KANAKAPURA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.





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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed by the petitioner/claimant against the judgment and award dated 09.02.2024 passed in MVC No.255/2020 by the II Additional District and Sessions Judge, Ramanagara, sit at Kanakapura (for short "the Tribunal") seeking enhancement of the compensation awarded by the Tribunal.

3. Parties are referred to as they are arrayed before the Tribunal.

4. The injured petitioner met with a road traffic accident on 11.07.2020 and filed claim petition seeking compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record granted compensation amount of ₹1,61,287/- with interest at the rate of 6% per annum from date of petition till realisation.



5. Aggrieved by the said order, petitioner has preferred this appeal mainly contenting that, he was working as a Pigmi Collector and earning ₹20,000/- per month. But the Tribunal erred in taking his income as ₹8,000/- per month and also granted meagre amounts under the other heads. The petitioner contended that though the Doctor has assessed the disability of the petitioner at 30%, the Tribunal has erred in taking the disability as 4%. Further, it is stated that he was an inpatient for 10 days and thus requested for enhancement of the compensation accordingly.

6. Heard arguments of both sides.

7. Though the petitioner has stated that he was earning ₹20,000 per month, he has not produced any income proof. As the petitioner met with the road traffic accident in the year 2020, his notional income can be taken as Rs.14,500/- as per the chart prepared by Karnataka State Legal Services Authority; he was aged 40



years and the appropriate multiplier would be '15' but the Tribunal erred in taking the same as '16'. Exhibit P.6 is the wound certificate and Exhibit P.7 is the discharge summary. PW.3 doctor was examined and he deposed that the petitioner has sustained the following injuries :

- 1. fracture right distal femur closed without distal neurovascular deficit with LCL injury;*
- 2. Multiple abrasions right knee*
- 3. Abrasion inner aspect of left ankle*
- 4. Lacerated wound over back of head occipital region and;*

out of which, the first injury is grievous and the others are simple in nature. PW.3-doctor has further stated that the petitioner was treated ORIF with DPLCP repair for femur right and was discharged on 22.07.2020, advised follow up treatment in OPD and physiotherapy and further clinically found the following findings :

- 1. Right Hip and knee movements restricted & pain full;*



- 2. Not able to lift the weight and walk;*
- 3. Patient is not able to walk for long distance;*
- 4. Not able to squat; and as per the recent x-ray taken, which showed that the fracture is united.*

The doctor has assessed the total disability of the right lower limb at 30%. Therefore, this court finds it appropriate to take one third of the same which comes to 10%. So the loss of future earning capacity comes to Rs.2,61,000/- (14,500x12x15x10%). The Tribunal has awarded ₹57,097/- towards medical expenses relying on exhibits P.8 to P.61 prescriptions and medical bills and the said amount is confirmed. The petitioner was hospitalized for a period of 10 days and therefore, considering the nature of injuries, period of hospitalisation and the other relevant factors, this Court finds it reasonable to grant an amount of ₹40,000 for pain and suffering, ₹20,000 for loss of amenities, ₹30,000 for transportation, extra nourishment and attendant charges. The petitioner might not have attended his work at least for a period of 2



months, therefore compensation towards loss of income during laid up period comes to Rs.29,000/- (14,500 x2) is granted. Thus, in all this Court award compensation under the following heads which comes to Rs.4,27,097/-.

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	40,000/-
2.	Towards medical expenses	57,097/-
3.	Towards loss of amenities	20,000/-
4.	Towards transportation, extra nourishment and attendant charges	20,000/-
5.	Towards loss of income during laid up period (14500x2m)	29,000/-
6.	Loss of future earning capacity 14500x12x15x10%	2,61,000/-
	Total	4,27,097/-

The Tribunal has awarded compensation of Rs.1,61,287/- and this Court enhanced it to Rs.4,27,097/-, the enhanced compensation comes to Rs.2,65,810/-. It is submitted that the Insurance company has already deposited the awarded amount before the Tribunal and respondent No.2- Insurance Company is directed to deposit the enhanced



compensation of ₹2,65,810 with interest at the rate of 6% within one month from the rate of this order.

On such deposit, the petitioner is permitted to withdraw the entire amount along with interest accrued on it.

Appeal is ***allowed in part.***

Counsel for respondent No.2-Insurance Company is permitted to file vakalath in two weeks.

Sd/-
(P SREE SUDHA)
JUDGE

rs
List No.: 1 Sl No.: 39