



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5016 OF 2024 (MV-I)

BETWEEN:

MR. JADESWAMY .M
S/O MADAPPA.N.M.
AGED ABOUT 53 YEARS,
RESIDING AT NO. 3/1311,
THALAMALAI ROAD, THALAVADI,
SATHY TALUK, ERODE DISTRICT,
TAMILNADU-638 461.

...APPELLANT

(BY SMT. B.N. MANJULA, ADVOCATE FOR
SRI. NAGARAJA R C., ADVOCATE)

AND:

1. MR MOHAN KUMAR M
S/O MANJESH. A,
AGED ABOUT 33 YEARS,
R/O NO.114, 10TH CROSS,
UNIVERSITY QUARTERS,
MANASAGANGOTHRI,
MYSURU-570 006.
2. MR. RAMESH. A.S.
S/O SANNA MANCHEGOWDA,
AGED ABOUT 43 YEARS,
R/O NO.713, RAJIV NAGAR,
MYSURU CITY PIN-570 001.
3. THE UNITED INDIA INS. CO. LTD.,
DIVISIONAL OFFICE II,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



NC: 2026:KHC:17728
MFA No. 5016 of 2024

NO. 2912, VENKATESHWARA PLAZA,
1ST MAIN, SARASWATHIPURAM,
MYSURU-570 009,
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R3,
V/O DTD:13.02.2025, NOTICE TO R1 AND R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.01.2024 PASSED IN MVC
NO. 805/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, M.A.C.T., NANJANGUD, 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

This appeal is filed against the judgment and award dated
27.01.2024 passed by the Senior Civil Judge & JMFC and MACT,
Nanjanagud, in MVC No.805 of 2020.

2. The injured claimant, aged 50 years, met with an
accident on 18.06.2020, and filed a claim application claiming
compensation of Rs.94,00,000/- with interest. The Tribunal,
considering the entire evidence on record, granted the
compensation of Rs.16,02,850/- with interest at the rate of 6%



per annum from the date of petition till realisation by excluding the period from 20.01.2022 to 02.03.2023.

3. Aggrieved by the said order, this appeal is preferred by the appellant-claimant in which it is mainly contended that meagre amounts are granted under the other heads and it is to be enhanced. It is stated that petitioner-claimant was working as a Headmaster in the Government School and earning Rs.91,000/- per month.

4. The learned counsel for respondent admitted that, after the accident, the petitioner was promoted as Headmaster and continued the service. As such, the question of granting any amount under the head loss of future earning capacity does not arise.

5. Petitioner was aged 55 years as per Exhibits P1 to P4. Exhibit P6 is the pay certificate. Petitioner examined the doctor as PW2 and he stated that the petitioner sustained the following injuries and assessed the disability as 45% to the right lower limb.

*"sustained type IIIC open
comminuted fracture right distal tibia*



and fibula with bone loss, type II open fracture right femur at mid and distal 1/3rd, undisplaced posteriolateral tibial condyle fracture right, fracture I, II, III and V metatarsal right foot and soft tissue injury to face."

6. Learned counsel for the petitioner stated that petitioner was an inpatient for 15 days, but he has not filed any leave record to show that for how many days the petitioner could not attend employment. Exhibit P10 is the wound certificate and as per the wound certificate, petitioner sustained 6 injuries. Out of which, injuries 2 to 6 are grievous in nature and first injury is simple in nature. The Tribunal considering all the aspects granted an amount of Rs.2,25,000/- for pain and suffering and Rs.1,00,000/- for loss of amenities and Rs.62,500/- for conveyance and Rs.11,85,847.11 ps. For medical expenses incurred by the petitioner and Rs.29,500/- for incidental expenses as the petitioner was in the hospital for a period of 15 days. So this Court finds that Tribunal has considered all the aspects and granted reasonable amounts under the relevant heads. Therefore, there are no merits in the appeal.



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7. Accordingly appeal is dismissed confirming the impugned judgment and award passed by the Tribunal.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 SI No.: 65