



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4842 OF 2025 (MV-I)

BETWEEN:

GOPALEGOWDA
S/O DEVARAJEGOWDA
AGED ABOUT 55 YEARS,
R/AT BOLAKYATHANAHALLI VILLAGE,
KASABA HOBLI,
ARAKALAGUDU TALUK,
HASSAN DISTRICT.

...APPELLANT

(BY SRI SHASTRI SHRIPAD VISHWANATHA., ADVOCATE)

AND:

1. RAKESHA S H
S./O HIRIYANNAGOWDA
MAJOR,
R/O SARAGUR VILLAGE,
KONANURU HOBLI,
ARAKALAGUDU TALUK,
HASSAN DISTRICT.
2. REGIONAL MANAGER (CLAIM)
ACKO GENERAL INSURANCE CO. LTD.,
NO.36/5, HUSTLE HUB ONE EAST,
SOMASANDRA PALYA,
27TH MAIN ROAD
SECTOR II HSR LAYOUT,
BENGALURU - 560 102.
3. JALENDRA
S/O ANNEGOWDA
MAJOR,





R/O CHIKKAMAGALU VILLAGE,
PERIYAPATTANA TALUK,
MYSURU DISTRICT.

...RESPONDENTS

(BY SRI.B.PRADEEP.,ADVOCATE FOR R2;
VIDE ORDER DATED 04.07.2025,
NOTICE TO R1 AND R3 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.04.2025 PASSED IN MVC NO.827/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, MACT, ARAKALAGUD, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC.

THIS APPEAL, COMING ON FOR 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 against the award of the Tribunal in M.V.C.No.827/2023 dated 21.04.2025. The injured/claimant met with an accident on 03.03.2023 and filed claim petition claiming compensation of Rs.15,20,000/-. Tribunal considered the entire evidence on record, granted an amount of Rs.4,20,360/- with interest at the rate of 6% per annum from the date of petition till realisation. Aggrieved by the said order,



he preferred an appeal and mainly contented that he sustained grievous injuries and underwent major surgery and was in the hospital as an inpatient for four days. Doctor assessed the disability as 38%. But the Tribunal has taken 12%. He was earning Rs.25,000/- per month. Tribunal has taken meagre income and the amounts granted under the other heads are meagre. Therefore, the appellant/claimant requested for enhancement of the compensation.

3. Though it is stated that he was doing agricultural work and animal husbandry and earning Rs.25,000/- per month, he has not filed any income. As he met with an accident in the year 2023, his national income is to be taken as Rs.16,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 58 years and the multiplier is '9'. As per Ex.P3-Wound Certificate, appellant sustained grievous injuries are as follows:

- "i. Abrasion over left gluteal region
- ii. Lacerated wound over right tibia measures about 8x5cm
- iii. Fracture both bones of right leg.
- iv. Right distal radius fracture."



4. The doctor opined that injury Nos.1 and 2 are simple and injury Nos.3 and 4 are grievous in nature. Ex.P12 is the discharge summary. CW.1/doctor stated that appellant/claimant would always have pain in the right wrist on lifting weight, movements of right wrist are limited and painful, pain in his right leg, on standing for a long time and walking for long distance, movements of right knee are restricted and painful, difficult to sit in squatting and crossed legged position, he is not in a position to do hard labour work etc., and assessed the permanent physical disability of 12% of the right upper limb and 26% of right lower limb i.e., 38% to the whole body. $\frac{1}{3}^{\text{rd}}$ of 38% comes to 12.66%. Therefore, 13% has to be taken instead of 12%. Therefore, '**loss of future earning capacity**' comes to **Rs.2,24,640/-** (Rs.16,000 x 12 x 9 x 13%).

5. The Tribunal granted medical expenses of Rs.1,75,800/- as per the medical bills filed before the Tribunal and it is confirmed.

6. He was in the hospital for a period of four days. Considering the nature of injuries, period of hospitalisation and



other relevant factors this Court finds it reasonable to pay an amount of **Rs.50,000/-** for '**pain and suffering**', **Rs.25,000/-** for '**loss of amenities**', **Rs.30,000/-** for '**transportation, extra nourishment and attendant charges**', and appellant might not have attended any other work at least for a period of three months. Therefore, **Rs.48,000/-** (Rs.16,000 x 3) is to be granted under the head of '**loss of income during the laid up period**'.

7. CW.1-doctor stated that he requires another surgery and estimated the cost of it as Rs.50,000/-. The Tribunal rightly granted Rs.30,000/- for 'future medical expenses' and it is confirmed. Thus, in all components awarded by this Court are as below:

Sl. No.	Particulars	Amount (Rs.)
1.	Loss of future income	2,24,640/-
2.	Medical expenses	1,75,800/-
3.	Pain and sufferings	50,000/-
4.	Loss of amenities	25,000/-
5.	Transportation, food and nourishment, conveyance	30,000/-
6.	Loss of income during laid up period	48,000/-



7.	Future medical expenses	30,000/-
	Total	5,83,440/-
	Tribunal awarded	4,20,360/-
	Enhanced amount	1,63,080/-

8. Therefore, the compensation is enhanced to **Rs.1,63,080/-** as against the compensation awarded by the Tribunal with interest at the rate of 6% per annum.

9. The insurance company already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation of Rs.1,63,080/- with interest at the rate of 6% per annum.

10. In the result, I pass the following:

ORDER

- i. The appeal is ***allowed in-part.***
- ii. The judgment and award dated 21.04.2025 passed in M.V.C. No.827/2023 on the file of the Senior Civil Judge and Motor Accident Claims Tribunal, Bengaluru is modified;



- iii. The appellant - claimant is entitled for enhanced compensation of **Rs.1,63,080/-** along with interest at the rate of 6% per annum from the date of petition till the date of realisation;
- iv. Respondent No.2 - Insurance Company is directed to deposit the enhanced compensation of Rs.1,63,080/- with interest at the rate of 6% per annum within one month from the date of this order;
- v. On such deposit, the appellant - claimant is permitted to withdraw the entire amount along with interest accrued on the same;

In view of disposal of appeal, pending IAs stand disposed of.

Sd/-
(P SREE SUDHA)
JUDGE

PKN
List No.: 1 Sl No.: 76