



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5227 OF 2024 (MV-I)

BETWEEN:

1. SMT UMA,
W/O MAHESH H.,
AGED ABOUT 42 YEARS
R/AT KODALA VILLAGE,
CHINAKURALI HOBLI,
PANDAVAPURA TALUK,
MANDYA DISTRICT.

AT PRESENT ADD: KRISHNANAGARA
3RD STAGE, PANDAVAPURA TOWN
MANDYA DIST - 571 455.

...APPELLANT

(BY SRI. P. MAHADEVASWAMY.,ADVOCATE)

AND:

1. MAHESHA H,
S/O LATE HANUMEGOWDA
AGED ABOUT 50 YEARS
R/AT KODALA VILLAGE
CHINAKURALI HOBLI,
PANDAVAPURA TALUK
MANDYA - 571 434.
2. THE MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
T.P. SUB. CHAMARAJAPURA,
NEAR BALLAL CIRCLE,
MYSURU - 570 023.

...RESPONDENTS

(BY SRI.KRISHNA KISHORE, ADVOCATE FOR R2,
VIDE ORDER DATED 7.08.2025, NOTICE TO R1 D/W)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 28.10.2022 PASSED IN MVC NO.1427/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, PANDAVAPURA, 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 on both sides.

2. This appeal is filed against the judgment and award dated 28.10.2022 passed by the Court of Senior Civil Judge and MACT at Pandavapura (henceforth referred to as 'Tribunal') in MVC No.1427/2020.

3. The injured claimant, who is aged 40 years met with an accident on 05.06.2020 and filed claim petition claiming compensation of Rs.10,50,000/-. The Tribunal after considering the entire evidence on record granted an amount of Rs.5,61,000/- with interest at the rate of 6% per annum from date of petition till realization.



4. Aggrieved by the said judgment and award of the Tribunal, the appellant/claimant has preferred an appeal and mainly contended that the compensation awarded under the other heads are meager. The petitioner was working as a private school teacher and was doing cattle farming milk supply as per Ex.P10. She was earning Rs.18,000/- per month. She sustained fracture of both bones of left leg operated with blades and the doctor assessed the disability as 36% to the whole body but the Trial court considered disability only 15%. Hence, he requested for enhancement of compensation.

5. The learned counsel of the respondent submits that appellant/claimant sustained only one fracture and the Tribunal rightly considered all the aspects and granted just and reasonable compensation.

6. Though, the appellant/claimant has stated that she was earning Rs.18,000/- per month, she has not produced any income proof. As the accident occurred in the year 2020, her national income is to be taken as Rs.14,500/- per month as per the chart prepared by the Karnataka State Legal Services



Authority. As per Ex.P12, the appellant/claimant was aged 40 years and the multiplier is '15'.

7. As per Ex.P7-wound certificate, the appellant/claimant sustained the following injuries:

The petitioner sustained

1) abrasion on forehead,

2) lacerated wound over lower lip,

3) tenderness and painful range of movement of left knee in lateral condyle over left tibia and

4) abrasion over left elbow.

Out of the said injuries, the first and four are simple in nature and the second and third are grievous.

8. As per Ex.P8 - discharge summary, she underwent surgery for the fracture of the left tibial condyle with plates and screws. The Doctor, PW.2 assessed the disability as 36% to the whole body. But the Tribunal considering the other factors, assessed the disability as 15% to the whole body and the same is confirmed. Therefore, the loss of future earning capacity



9. The Tribunal has awarded an amount of Rs.14,000/- towards medical expenses, as per the relevant documents and the same is confirmed. The appellant/claimant was hospitalized for a period of 6 days. Considering the nature of injuries sustained and period of hospitalization, this Court finds that the claimant might not have attended any other work at least for a period of 3 months. Therefore, for three months, the compensation under the head of 'loss of income during laid up period' comes to Rs.43,500/- (Rs.14,500 x 3 months).

10. Further, this Court finds it reasonable to award Rs.50,000/- under the head 'pain and suffering', Rs.25,000/- under the head 'loss of amenities' and Rs.37,000/- under the head 'transportation, food, nourishment and attendant charges'.

11. The learned counsel of the appellant stated that the Doctor suggested the appellant/claimant requires another surgery, which is estimated the cost of the surgery as Rs.50,000/- but the Tribunal granted Rs.20,000/-. Therefore, this court finds it reasonable to grant Rs.25,000/- under the head of 'future medical expenses'.



12. Thus, in all, the claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Pain and suffering	50,000
2.	Loss of amenities	25,000
3.	Transportation, Attendant, food and nourishment charges	37,000
4.	Medical Expenses	14,000
5.	Future medical expenses	25,000
6.	Loss of future earning capacity	3,91,500
7.	Loss of income during laid up period	43,500
Total		5,86,000/-

13. The Tribunal has awarded the compensation of Rs.5,61,000/- but the appellant/claimant is entitled to total compensation of Rs.5,86,000/-. Therefore, the appellant/claimant is entitled to enhanced compensation of **Rs.25,000/-** (Rs.5,86,000- Rs.5,61,000).

14. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.



- ii. The judgment and award dated 28.10.2022 passed by the Court of Senior Civil Judge and MACT at Pandavapura in MVC No.1427/2020 is modified.
- iii. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.25,000/-** along with the interest at the rate of 6% within one month from the date of this order.
- iv. On such deposit, the appellant/claimant is permitted to withdraw the entire amount along with interest accrued on it.
- v. On such deposit, the appellant/claimant is permitted to withdraw the entire amount.

Sd/-
(P SREE SUDHA)
JUDGE