



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. 5626 OF 2024 (MV-I)

BETWEEN:

S.V. SEETHARAM ACHARYA
AGED ABOUT 67 YEARS,
S/O VENKAPPA ACHARYA,
RESIDING AT 1-41/3, PANCHAMA HOUSE,
BADAHOLI KARKADA VILLAGE,
POST SALIGRAMA - 576 225
BRAHMAVARA TALUK, UDUPI DISTRICT.

...APPELLANT

(BY SRI. GANESHA R, ADVOCATE)

AND:

1. VIKYATH SHETTY,
AGED ABOUT 34 YEARS,
S/O SHARATH KUMAR SHETTY,
RESIDING AT VISHRUTHDHAM, RAVIKIRAN,
FRONT OF HUME PIPE FACTORY, NADURU
THENKAMANE ROAD, BARKURU VILLAGE,
BRAHMAVARA TALUK, UDUPI DISTRICT.

2. THE DIVISIONAL MANGER,
UNITED INDIA INSURANCE COMPANY LTD,
JEWEL PLAZA, 1ST FLOOR,
MARUTHI VEETHIKA, UDUPI - 576 101

...RESPONDENTS

(BY SRI. G.S. MARULAI AH, ADVOCATE FOR R2;
VIDE ORDER DATED 04.09.2025, NOTICE TO R1
DISPENSED WITH)

Digitally signed
by
PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.16.11.2023 PASSED IN MVC NO.895/2021 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND ADDITIONAL MACT, CJM, UDUPI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 16.11.2023 passed in MVC No.895/2021, by the Principal Senior Civil Judge and Additional MACT, Udupi, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2- Insurance Company.



3. The petitioner/injured claimant met with an accident on 06.02.2021 and filed a claim petition claiming compensation of Rs.11,75,000/- before the Tribunal. The Tribunal considering the entire evidence on record, granted an amount of Rs.3,02,000/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realisation. Aggrieved by the said order, the claimant has preferred this appeal.

4. Learned counsel for the appellant contended that the appellant examined the doctor as PW2 and the doctor assessed the permanent Physical Impairment of 31% to the left lower limb but the Tribunal has erred in taking the disability as 10%. It is further contended that the amounts granted under other heads are meagre. The claimant was treated as inpatient for a period of six days. Therefore, requested for enhancement of the compensation.

5. It is stated that the petitioner was working as a Centering Contractor and earning Rs.35,000/- per month.



He has filed Income Tax returns for the period of 2020-21, 2021-22 and 2022-23 are produced under Ex.P16. The Tribunal observed that all the Income Tax returns are pertaining to the period after the accident. Hence, the Tribunal has rightly considered his notional income as Rs.15,000/- per month, as he met with an accident in the year 2021, in terms of the chart prepared by the Karnataka State Legal Services Authority. The petitioner was aged 64 years and the multiplier applicable is 7.

6. As per Ex.P5-Wound Certificate, the petitioner sustained fracture shaft of the femur left. He also examined the doctor as PW2, who is an Associate Professor of Orthopaedics. The doctor stated that the petitioner sustained open fracture of left femur which is grievous in nature and underwent fracture fixation. X-ray examination revealed union of the fracture with implant in situ. Due to the injuries, the petitioner has difficulty in sitting cross legged, squatting and climbing steps. The doctor assessed disability at 31% in the left lower limb and



also stated that the petitioner requires another surgery for removal of the implant and estimated the cost of the surgery as Rs.35,000/-. The Tribunal has rightly considered the disability as 10% ie., one-third of 31% and it needs no interference.

7. The loss of future earning capacity comes to Rs.15,000/- x 12 x 7 x 10% = **Rs.1,26,000/-**. The Tribunal also granted **Rs.70,000/-** towards medical expenses as per Ex.P9, Ex.P10 and Ex.P12 and it is confirmed by this Court. The petitioner was hospitalized for a period of six days. Considering the nature of injuries, period of hospitalization and other relevant factor, this Court finds it reasonable to grant an amount of **Rs.25,000/-** for Pain and Suffering, **Rs.15,000/-** for loss of amenities, **Rs.30,000/-** for transportation, extra nourishment and attendant charges. Petitioner might not have attended any other work at least for a period of two months. Therefore, **Rs.30,000/-** is to be granted towards loss of income during laid up period. The Tribunal has



already granted **Rs.35,000/-** to future medical expenses and the same is confirmed by this Court.

8. Thus in all, compensation awarded by this Court is as below:

Particulars	Amount in Rs.
Pain and suffering	25,000
Medical expenses	70,000
Loss of income during laid up period	30,000
Loss of future earning capacity	1,26,000
Loss of amenities	15,000
Future Medical Expenses	35,000
Transportation, extra nourishment and attendant charges	30,000
Total	3,31,000/-

9. Hence, the appellant-claimant is entitled for a total compensation of Rs.3,31,000/- along with interest at the rate of 6% p.a.

10. In the result, the following order is passed:



ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 16.11.2023 passed in MVC No.895/2021 on the file of the Principal Senior Civil Judge and Additional MACT, Udupi, is modified.
- iii. The claimant is entitled to a sum of **Rs.3,31,000/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,02,000/- granted by the Tribunal.
- iv. 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.29,000/-** along with the interest at the rate of 6% within one month from the date of this order.



- v. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. The claimant is not entitled for interest for the delay period of 159 days as per the order on I.A.No.1/2024 dated 23.03.2026.

Sd/-
(P SREE SUDHA)
JUDGE

SHS
List No.: 1 Sl No.: 13