



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. 7817 OF 2017 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 7794 OF 2017 (MV-I)

MISCELLANEOUS FIRST APPEAL NO. 7818 OF 2017 (MV-I)

IN MFA No. 7817/2017

BETWEEN:

ASHWATHNARAYANA
S/O LATE MALLAPPA,
NOW AGED ABOUT 24 YEARS
R/AT BAKTHANAPALYA, KASABA HOBLI
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT
AND ALSO RESIDING AT RAJAVANTHI
KASABA HOBLI, PAVAGADA TALUK,
TUMKUR DISTRICT.

...APPELLANT

(BY SRI. RANGEGOWDA N.R, ADVOCATE)

AND:

1. RANGASWAMY
S/O HANUMAPPA,
AGED MAJOR,
ARALAHALLI VILLAGE AND POST,
KASABA HOBLI PAVAGADA TALUK,
TUMKUR DISTRICT - 561 202.





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C/W MFA No. 7794 of 2017
MFA No. 7818 of 2017

2. THE REGIONAL MANAGER
THE NATIONAL INSURANCE CO LTD.
SHUBHARAM COMPLEX, M.G.ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2;
VIDE ORDER DATED 05.06.2025, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.02.2017 PASSED IN MVC
NO.4974/2016 ON THE FILE OF THE MEMBER, PRINCIPAL MACT
AND CHIEF JUDGE, COURT OF SMALL CAUSES, BENGALURU,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 7794/2017

BETWEEN:

DEEPAK R
S/O RANGASWAMY,
R/AT HULEGOWDANAHALLI,
DASANAPURA HOBLI,
BANGALORE NORTH TALUK
BANGALORE DISTRICT.

...APPELLANT

(BY SRI. RANGEGOWDA N.R, ADVOCATE)

AND:

1. RANGASWAMY
S/O HANUMAPPA,
AGED MAJOR,
ARALAHALLI VILLAGE AND POST,
KASABA HOBLI, PAVAGADA TALUK
TUMKUR DISTRICT - 561 202.



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2. THE REGIONAL MANAGER
THE NATIONAL INSURANCE CO.LTD.,
SHUBHARAM COMPLEX, M.G.ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2;
VIDE ORDER DATED 20.09.2022, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 17.02.2017 PASSED
IN MVC NO.4972/2016 ON THE FILE OF THE CHIEF JUDGE,
MEMBER, PRINCIPAL MACT, COURT OF SMALL CAUSES,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA NO. 7818/2017

BETWEEN:

KUMARASWAMY K B
S/O BYRANNA K.V.
R/AT KUPPEMALLA,
SOLUR HOBLI, MAGADI TALUK,
RAMANAGARAM DISTRICT.

...APPELLANT

(BY SRI. RANGEGOWDA N.R, ADVOCATE)

AND:

1. RANGASWAMY
S/O HANUMAPPA,
AGED MAJOR,
ARALAHALLI VILLAGE AND POST,



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KASABA HOBLI PAVAGADA TALUK,
TUMKUR DISTRICT - 561 202.

2. THE REGIONAL MANAGER
THE NATIONAL INSURANCE CO. LTD.,
SHUBHARAM COMPLEX, M.G.ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2;
VIDE ORDER DATED 05.06.2025, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 17.02.2017 PASSED
IN MVC NO.4973/2016 ON THE FILE OF THE PRINCIPAL
MACT, AND CHIEF JUDGE, COURT OF SMALL CAUSES,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THESE APPEALS, COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

IN MFA NO.7817/2017:

Heard the arguments on both sides.

2. The common award was passed by the Tribunal in M.V.C. Nos. 4972, 4973 and 4974 of 2016.

3. This M.F.A.No.7817/2017 is filed against the award of the Tribunal in M.V.C.No.4974 of 2016. Injured claimant met with an accident on 17.07.2016 and filed claim petition claiming compensation of Rs.4.5 lakhs. Tribunal considering the entire evidence on record granted an amount of Rs.1,17,500/- with interest at the rate of 9% per annum from date of petition till the realisation.

4. Aggrieved by the said award, he preferred an appeal and mainly contented that the claimant has sustained grievous injuries. But the amounts granted by the Tribunal on all the heads are on the lower side. He was working as a Mason and earning Rs.15,000/- per month. But the Tribunal has taken his income as



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Rs.7,500/- per month and the interest is to be taken at the rate of 12% per annum. The counsel for the respondent stated that as he is continuing his work as a Mason, even after the injuries sustained in the accident, as such, Tribunal has not considered 4% disability as assessed by the doctor.

5. Though the petitioner stated that he was earning Rs.15,000/- per month, he has not filed any income proof. As he met with an accident in the year 2016, notional income is to be taken as Rs.9,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 23 years and the multiplier is '18'. Exhibit-P11 is the wound certificate. Exhibit-P12 is the discharge summary. He was suffering from 'Pneumocephaly' and PW.5-doctor stated that he sustained head injury, phenensocephalm, and bilateral frontal bone fracture and he was treated conservatively and he further stated that there was swelling and tenderness over frontal region and X-ray showed united



fractures and assessed the disability as 4%. The Tribunal observed that as disability is only 4% for fracture of bilateral frontal bone, it would not cause much inconvenience in his daily activities and the fractures are united. Admittedly, as per the medical evidence, he sustained 4% disability and it effects his work. Therefore, this Court finds it reasonable to take disability as 4%. as assessed by the doctor. The Tribunal failed to properly appreciate the facts and not granted amount under the head 'loss of future earning capacity'. Therefore, this Court finds it reasonable to grant an amount of **Rs.82,080/-** (Rs.9,500x12x18x4%) under the head '**loss of future earning capacity**' and he was hospitalized for a period of 7 days. The Tribunal granted Rs.50,000/- towards 'medical expenses' as per the medical bills filed before the Tribunal and the same is confirmed. Considering the nature of injuries and period of hospitalisation, the Tribunal granted **Rs.25,000/-** for '**pain and suffering**', **Rs.20,000/-** for '**loss of**



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amenities' and the same is confirmed and he is also entitled for **Rs.30,000/-** towards '**transportation, extra nourishment and attending charges**'. He might not have attended any other work at least for a period of 3 months. Therefore, **Rs.28,500/-** (Rs.9500 x 3) is granted under the head '**loss of income during laid up period**'. The total compensation comes to **Rs.2,35,580/-**. The claimant is entitled for enhanced compensation of **Rs.1,18,080/-** (Rs.2,35,580/- minus Rs.1,17,500/-)

6. Respondent No.2 has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation amount of **Rs.1,18,080/-** with interest at the rate of 6% p.a. within a period of one month from the date of this order. On such deposit, the petitioner is permitted to withdraw the entire amount along with interest accrued on it.



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IN M.F.A. NO.7794/2017:

7. This M.F.A.No.7794/2017 is filed against the award of the Tribunal in M.V.C.No.4972/2016. Petitioner met with an accident on 17.07.2016 and filed claim petition claiming compensation of Rs.6.5 lakhs. Tribunal considering the entire evidence on record granted Rs.2,12,100/- with interest at the rate of 9% per annum from the date of petition till its realisation.

8. Aggrieved by the said award, he preferred an appeal and mainly contended that the amounts granted under all the heads is meager. The petitioner was earning Rs.15,000/- per month by doing cable work. But the Tribunal has taken Rs.7,500/- per month which is not correct. Though, the petitioner stated that he was earning Rs.15,000/- per month, he has not filed any income proof. As he met with an accident in the year 2016, his notional income has to be taken as Rs.9,500/- per month as per the chart prepared by Karnataka State Legal Services



Authority. He was aged 22 years and the multiplier is '18'. Exhibit-P2 is the wound certificate. He examined the orthopaedic surgeon. He stated that petitioner complains of pain over pelvic region, hip, difficulty to squat/sit cross legged, difficulty in climbing/running and standing for long time/bend forward, not able to do manual work and on further examination, he found swelling over hip region, tenderness over pelvis and LS region, both hip SLP 80 painful, pelvic compression test positive and X rayed showed united fracture and assessed the disability as 10% for pelvis for persistent pain. The Tribunal observed that fracture is united and thus has considered the disability as 8% instead of 10%. This Court finds it reasonable to rely upon the medical evidence and to consider the disability as 10%. Therefore, the '**loss of future earning capacity**' comes to **Rs.2,05,200/-** (Rs.9,500x12x18x10%) and Tribunal granted **Rs.15,000/-** towards 'medical expenses' and he was hospitalized for a period of 7 days. The Tribunal granted **Rs.30,000/-** for 'pain and suffering' and



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Rs.15,000/- for 'loss of amenities' and the same is confirmed and he is also entitled for **Rs.30,000/-** under the head 'transportation, extra nourishment and attending charges'. He might not have attended any other work at least for a period of 4 months. Therefore, **Rs.38,000/-** (Rs.9500 x 3) is granted under the head 'loss of income during laid up period'. The total compensation comes to **Rs.3,33,200/-**. The claimant is entitled for enhanced compensation of **Rs.1,21,100/-** (Rs.3,33,200/- minus Rs.2,12,100/-).

9. Respondent No.2 has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation amount of **Rs.1,21,100/-** with interest at the rate of 6% p.a. within a period of one month from the date of this order. On such deposit, the petitioner is permitted to withdraw the entire amount along with interest accrued on it.



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IN M.F.A. NO.7818/2017:

10. This M.F.A.No.7818/2017 is filed against the award of the Tribunal in M.V.C.No.4973/2016. Injured claimant met with an accident on 17.07.2016 and filed claim petition claiming compensation of Rs.3.5 lakhs. Tribunal considering the entire evidence on record granted Rs.1,02,500/- with interest at the rate of 9% per annum from the date of petition till its realisation.

11. Aggrieved by the said award, he preferred an appeal on similar grounds as stated above. As there is no income proof, this Court finds it reasonable to take the notional income as Rs.9,500/- and as the petitioner was aged 24 years and the multiplier is '18'. The petitioner has examined doctor as P.W.5 and he stated that since the fracture of nasal bone is malunited and the same has been set right by surgery for setoplasty. Learned counsel for the respondent contended that he was treated conservatively and he is continuing his occupation. As such, Tribunal has not granted any amount under the head



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of 'loss of income during laid up period' and 'loss of future earning capacity' and it is to be confirmed. The doctor assessed the disability as 8% and also stated that she requires another surgery and the estimated cost of it is Rs.25,000/-. Therefore, this Court finds it reasonable to take disability as 8% and the 'loss of future earning capacity' comes to **Rs.1,64,160/-** (Rs.9,500 x 18 x 12 x 8%). Petitioner was admitted in the hospital for 10 days. The Tribunal granted **Rs.10,000/-** towards 'medical expenses'. Tribunal already granted **Rs.25,000/-** towards '**pain and suffering**' and **Rs.25,000/-** towards '**loss of amenities**' and **Rs.20,000/-** towards '**future medical expenses**' and it is to be confirmed. He might not have attended any other work at least for a period of 3 months. Therefore, **Rs.28,500/-** (Rs.9,500 x 3) is granted under the head of 'loss of income during laid up period'. He is also entitled for **Rs.30,000/-** under the head 'transportation, extra nourishment and attending charges'. The total compensation The total compensation comes to



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Rs.3,02,660/-. The claimant is entitled for enhanced compensation of **Rs.2,00,160/-** (Rs.3,02,660/- minus Rs.1,02,500/-).

12. Respondent No.2 has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation amount of **Rs.2,00,160/-** with interest at the rate of 6% p.a. within a period of one month from the date of this order. On such deposit, the petitioner is permitted to withdraw the entire amount along with interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

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List No.: 1 Sl No.: 45