



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. 5907 OF 2024 (MV-I)

BETWEEN:

MR V ADINARAYANASWAMY,
S/O VENKATARAVANAPPA,
NOW AGED ABOUT 47 YEARS,
RESIDING AT
MATTAKANNASANDRA VILLAGE AND POST,
SRINIVASAPURA TALUK,
KOLAR DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. SRI NARENDRA BABU G,
S/O G. VENKATAPPA,
MAJOR IN AGE,
RESIDING AT NO.3-64,
DASARLAPALLI VILLAGE,
ELAVANELLOORU POST,
RAMASAMUDRAM MANDAL,
CHITTOR DISTRICT,
ANDHRA PRADESH-517 417.
2. THE ICICI LOMBARD GENERAL
INSURANCE COMPANY LIMITED,
9TH FLOOR, THE ESTATE NO.121,
DICKENSON ROAD, M.G.ROAD,
SHIVAN CHETTY LAYOUT,
BENGALURU-560 042.
REP BY ITS MANAGER

...RESPONDENTS

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



(BY SRI. S. KRISHNA KISHORE., ADVOCATE FOR R2,
V/O DATED 29.08.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DT.08.06.2023 PASSED IN MVC NO.5922/2021 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU, (SCCH-11), 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 08.06.2023 passed by the I Additional Small Causes Judge and MACT, Bengaluru, in MVC No.5922 of 2021.

2. The injured claimant, aged 44 years, met with an accident on 04.11.2021, and filed a claim application claiming compensation of Rs.50,00,000/- with interest. The Tribunal, considering the entire evidence on record, granted the compensation of Rs.5,32,121/- with interest at the rate of 6% per annum from the date of petition till realisation.



3. Aggrieved by the said order, this appeal is preferred by the appellant-claimant in which it is mainly contended that he sustained soft tissue contusion over lumber region swelling tenderness + over L4L5. Suspected fracture lumber spine and also suffered from D12 compression fracture with paraplegia and the injuries are grievous in nature. PW2 doctor assessed disability for left upper limb secondary to spinal cord as 36% and whole body as 24%. The Tribunal granted meagre amounts under the other heads. Future prospects were not considered while assessing future loss of earnings. Therefore, requested for enhancements of the compensation.

4. Heard the arguments of learned counsel for both sides.

5. Though it is stated that petitioner was working as an agriculturist and earning Rs.30,000/- per month, he has not filed any income proof. As he met with an incident in the year 2021, this Court finds that the Tribunal has rightly considered the national income as Rs.15,000/- per month as per the chart prepared guidelines of the Karnataka State Legal Services



Authority. The petitioner was aged 44 years and the multiplier is 14.

6. Petitioner examined the doctor as PW2 and he stated that the petitioner sustained soft tissue contusion over lumber region swelling tenderness + over L4L5, suspected fracture lumber spine with paraplegia and the injuries are grievous in nature. The doctor assessed disability for left upper limb secondary to the spinal cord injury as 36% and whole body disability as 24%. It is further stated that the petitioner requires one more surgery for removal of implants and the estimated cost of the same is Rs.35,000/- to Rs.40,000/-. The petitioner admittedly suffered injury to the spine, he is also suffering from paraplegia, therefore, this court finds it reasonable to take disability as 20% and he is also entitled for future prospects as per the citation in the case of ***New India Assurance Company Limited Vs. Abdul, son of Mehaboob Tahasildar and Others*** (M.F.A. No.103807/2016 c/w. M.F.A. No.103835/2016 decided on 27.05.2022) in which it was held that if the disability is to the extent of 20 % future prospectus is to be added, in this case he is entitled for 25% towards



future prospects. Thus, the loss of future earning capacity comes to Rs.6,30,000/- ($15,000 + 25\% \times 12 \times 14 \times 20\%$).

7. Tribunal granted an amount of Rs.1,52,721/- towards medical expenses as per Exhibit. P9 and it is confirmed. The petitioner was hospitalized for a period of 6 days. Considering the nature of injuries, period of hospitalization and the other relevant factors, Rs.75,000/- is granted for pain and suffering, Rs.50,000/- for loss of amenities, Rs.50,000/- for transportation, extra nourishment and attendant charges. Petitioner might not have attended any other work at least for a period of 4 months. Therefore, Rs.60,000/- ($15,000 \times 4$) is granted under the head loss of income during laid up period. This Court also finds it reasonable to grant an amount of Rs.35,000/- towards future medical expenses. Thus, in all, the claimant is entitled for the compensation of Rs.10,52,721/- with interest at 6% per annum as against Rs.5,32,121/- awarded by the Tribunal.

8. The award of compensation passed by the Tribunal is modified as under:



Heads	Amount in Rs.
1. Loss of future income	6,30,000/-
2. Medical expenses	1,52,721/-
3. Pain and Sufferin	75,000/-
4. Loss of amenities	50,000/-
5. Transportation, extra nourishment and attendant charges	50,000/-
6. Loss of earning during the laid up period	60,000/-
7. Future medical expenses	35,000/-
Total	10,52,721/-

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

(i) Appeal is allowed in part.

(ii) The appellant is entitled for the total compensation of Rs.10,52,721/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) The respondent insurance company has already deposited the award amount before the Tribunal, and therefore, they are directed to deposit the enhanced amount of Rs.5,20,600/- with interest at 6% per annum within one month from the date of this order.



(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with the interest accrued on it.

(v) In view of the order dated 29.08.2025 passed on I.A. No.1/2024, the appellant is not entitled for interest for the delay period of 342 days in filing the appeal.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 68