



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 8931 OF 2019 (MV-I)

BETWEEN:

SRI KATEGOWDA
S/O SRI KATEGOWDA
AGED ABOUT 56 YEARS
R/O K GOLLARAHATTI
KETHUMARANAHALLI POST
KADUR TALUK
CHIKKAMAGALURU - 577 168.

...APPELLANT

(BY SRI PRADEEP NAIK K, ADV.)

AND:

1. GIRISHA M.N
S/O SRI NEELAKANTAPPA
AGED ABOUT 28 YEARS
R/AT MANJIHALLI VILLAGE
KADUR TALUK
CHIKKAMANGALURU DIST.
2. BASAPPA H.N
S/O SRI NINGAPPA B
AGED ABOUT 61 YEARS
R/O B HOSAHALLI VILLAGE
KADUR TALUK
CHIKKAMAGALURU DIST.
3. IFFCO TOKIO GENERAL
INSURANCE CO. LTD.,
SHASHIKIRAN BUILDING
1ST FLOOR, SHANKARMATT ROAD
SHIMOGGA, REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI S.V. HEGDE MULKHAND, ADV., FOR R-3;
R-1 SERVED & UNREPRESENTED;
V/O DT:07.2.2023, NOTICE TO R-2 DISPENSED WITH)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.08.2019 PASSED IN MVC NO. 79/2018 ON THE FILE OF THE MACT AND I ADDITIONAL SENIOR CIVIL CHIKKAMAGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 09.08.2019 passed in MVC No.79/2018 by the Court of Motor Accidents Claims Tribunal and I Addl. Senior Civil Judge & JMFC, Chikkmagaluru, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with consent of the learned counsel for the parties, it is taken up for final disposal.

3. Sri Pradeep Naik, learned counsel for the appellant submits that the Tribunal has committed a grave error in considering the evidence of CW-1 and has



awarded meager compensation of Rs.1,00,000/- under the head of disability. No compensation is awarded under the head of loss of amenities and loss of income during laidup period. Hence, he seeks to re-assess the compensation by considering the evidence available on record, by allowing the appeal.

4. *Per contra*, Sri S.V.Hegde Mulkhand, learned counsel for respondent No.3 supports the impugned judgment and award of the Tribunal and submits that CW-1 is not the treated doctor and he has only issued a disability certificate. It is submitted that the appellant has sustained lacerated wound and for that the doctor cannot assess 50% of the disability, which is exorbitant. Hence, considering the evidence on record, the Tribunal has awarded Rs.1,00,000/- under the head of disability, and awarded just compensation on all other heads. Hence, he seeks to dismiss the appeal.



5. I have heard the arguments of the learned counsel for the appellant, the learned counsel for the respondent No.3 and meticulously perused the material available on record including Tribunal records.

6. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

7. The parties to the proceedings do not dispute that in a road accident dated 23.10.2017 the appellant had sustained lacerated wound on right knee measuring 7 x 10 cm as per Ex.D-12. In order to prove the claim, the petitioner examined himself as PW-2 and got examined Dr. Sudhakar as CW-1 who had issued the disability certificate at Ex.P-21.

8. Perusal of Ex.P-21 and the oral evidence of the CW-1, the doctor is of the opinion that the appellant has



sustained 50% disability to a particular limb. Considering the nature of injuries suffered and the evidence of CW-1, the disability certificate at Ex.P-21, I am of the considered view that ends of justice would be met, if the disability is assessed at 15%.

9. Admittedly, no evidence is placed with regard to the income. Hence, the income of the injured is assessed at Rs.11,000/- placing reliance on the notional income chart prepared by KSLSA.

10. Having re-assessed the income and disability, the compensation is required to be re-assessed by considering the oral evidence of CW-1 and other medical evidence on record and also keeping in mind the fact that the appellant was inpatient for a period of 19 days. Thus, the appellant would be entitled to modified compensation as under:



HEADS	AMOUNT (in Rs.)
Loss of future income due to disability (11,000/- x 12 x 11 x 15%)	2,17,800/-
Pain & suffering	50,000/-
Food, nourishment, attendant charges, etc.	20,000/-
Medical expenses	2,910/-
Loss of income during laidup period (11,000/- x 3)	33,000/-
Loss of amenities	50,000/-
Total	3,73,710/-

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.3,73,110/-** as against Rs.1,63,110/- awarded by the Tribunal.

11. In the result, this Court proceeds to pass the following:

ORDER

a) The appeal is ***allowed in part.***

b) The impugned judgment and award dated 09.08.2019 passed by the Tribunal in M.V.C.No.79/2018 is modified to an extent that the appellant-claimant would be entitled to



total compensation of **Rs.3,73,110/-** as against Rs.1,63,110/- awarded by the Tribunal.

- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.
- d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Registry shall transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE