



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. 6168 OF 2024 (MV-I)

BETWEEN:

1. NATARAJU R M,
S/O MUDDARANGAIAH,
AGED ABOUT 34 YEARS,
RESIDING AT RANGANAPALYA,
ADARANGI POST,
KADUR HOBLI,
MAGADI TALUK.
NOW RESIDING AT
NEAR GANESHA TEMPLE,
NAGANNANAPALYA, SIRA GATE,
TUMAKURU CITY - 572 106.

...APPELLANT

(BY SRI. SHANTHARAJ K, ADVOCATE)

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

AND:

1. IYLI RAMESH,
S/O IYLI SANNAJAMBANNA,
AGED ABOUT 56 YEARS,
RESIDING AT NO.321,
20TH WARD, MAIN BAZAAR,
BEHIND SH ARADA JEWELLERS,
HOSPETE TOWN,
VIJAYANAGARA DISTRICT,
PIN - 583 201.



2. MULENDRA SANKHLA,
S/O SHANKAR RAM,
AGED ABOUT 52 YEARS,
RESIDING AT BASAVESHWAR BAZAAR,
OPP. SBI MAIN BAZAAR,
HAGARI BOMMANAHALLI TOWN,
PIN - 583 212.

3. THE MANAGER,
NATIONAL INS. CO. LTD.,
BRANCH OFFICE:
KASTHURI MANSION,
BEHIND KRISHNA TALKIES,
ABOVE CORPORATION BANK,
M.G.ROAD,
TUMAKURU CITY - 572 101.

...RESPONDENTS

(BY SRI. C. SHANKARA REDDY, ADVOCATE FOR R3;

V/O DATED 23.03.2026, NOTICE TO R1 AND R2 - D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 26.07.2023 PASSED
IN MVC NO.125/2022 ON THE FILE OF THE II ADDITIONAL
DISTRICT JUDGE AND MACT, TUMAKURU, 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 26.07.2023 passed in MVC No.125/2022, by the II Additional District Judge and MACT, Tumakuru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and the learned counsel for respondent No.3-Insurance Company. Notice to respondent Nos.1 and 2 is dispensed with.

3. The status of the parties before the Tribunal is retained for the sake of convenience.

4. Brief facts of the case are that, injured claimant Sri. Nataraju R.M, met with an accident on 04.10.2021 and filed a claim petition before the Tribunal for compensation of Rs.10,00,000/-. The Tribunal, considering



the entire evidence on record, awarded compensation of Rs.5,10,575/- with interest at the rate of 6% per annum from the date of filing the petition till the date of realisation. Aggrieved by the said order, this appeal is filed.

5. Learned counsel for the appellant contended that the petitioner was aged 32 years, doing mason work and earning Rs.25,000/- per month, however, the Tribunal has assessed his income as Rs.10,000/- per month. The petitioner was treated as an inpatient for a period of 19 days and spent Rs.2,00,000/- towards medical expenses. He also examined doctor as PW2, who assessed the lower limb disability as 57% and whole body disability as 19%. The Tribunal has not granted reasonable compensation under the heads of loss of income during laid up period, loss of amenities, attendant charges and future medical expenses. It is also contended that interest is to be granted at the rate of 12% per annum. Therefore, requested for enhancement of compensation.



6. Though it is stated that the petitioner was earning Rs.25,000/- per month, he has not filed any income proof. The accident occurred in the year 2021. As per the guidelines of Karnataka State Legal Services Authority, notional income of the petitioner has to be assessed as Rs.15,000/- per month. The petitioner was aged 32 years, and the multiplier applicable is 16.

7. As per Ex.P6-Wound Certificate, the petitioner sustained two fractured injuries which are grievous in nature. He also examined doctor as per PW2 and he stated that the petitioner sustained the following injuries:

- i) Fracture of both bone of right leg
- ii) Communitied subtrochanteric fracture over the right femur
- iii) other injuries all over the body.

8. The doctor also advised the petitioner to undergo implant removal surgery and stated that the approximate cost of the surgery is around Rs.70,000/-. He



also assessed the physical disability of the lower limb at 57% and that of the whole body at 19%. The Tribunal has taken one-third of 57% ie., 19% disability for the purpose of calculation. Learned counsel for the appellant contended that there is no such deduction is specified under the provisions in the Gazette Notification. This court finds that there is no irregularity in the disability taken by the Tribunal and it is confirmed. Thus, loss of future earning capacity is calculated as: $\text{Rs.15,000/-} \times 12 \times 16 \times 19\% =$
Rs.5,47,200/-.

9. The Tribunal has granted **Rs.1,05,775/-** towards Medical expenses and the said amount is confirmed by this Court. The petitioner was inpatient for a period of 19 days. Considering the nature of injuries, period of hospitalization, his occupation and other relevant factors, this Court finds that it is appropriate to grant an amount of **Rs.50,000/-** towards pain and suffering, **Rs.30,000/-** towards loss of amenities, **Rs.30,000/-** towards transportation, extra nourishment and attendant



charges. He might not have attended any other work at least for a period of three months. Therefore, **Rs.45,000/-** is to be granted under the head of loss of income during the laid up period. The doctor has suggested another surgery for removal of the implant and estimated the cost of surgery at **Rs.70,000/-**. This Court finds it appropriate to grant an amount of **Rs.50,000/-** towards future medical expenses.

10. Thus in all, components awarded by this court are as below:

Particulars	Amount in Rs.
Loss of future earning capacity	5,47,200
Medical Expenses	1,05,775
Pain and Suffering	50,000
Loss of amenities	30,000
Transportation, extra nourishment and attendant charges	30,000
Loss of income during laid up period	45,000
Future medical expenses	50,000
Total	8,57,975



11. Thus, compensation granted by Tribunal is enhanced from Rs.5,10,575/- to Rs.8,57,975/- along with interest at 6% per annum.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 26.07.2023 passed in MVC No.125/2022, by II Addl. District Judge and MACT, Tumakuru is modified;
- iii. The claimant is entitled to a sum of ***Rs.8,57,975/-*** along with interest at 6% per annum from the date of petition till the date of realization, instead of Rs.5,10,575/- granted by the tribunal.



- iv. Respondent No.3/Insurance Company has already deposited the award amount before the tribunal. Therefore, respondent No.3/Insurance Company is directed to deposit the enhanced compensation of **Rs.3,47,400/-** along with the interest at the rate of 6% within one month from the date of this order.
- v. 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 delayed period of 280 days as per the order on I.A.No.1/2024 dated 23.03.2026.

Sd/-
(P SREE SUDHA)
JUDGE