



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5921 OF 2025 (MV-I)

BETWEEN:

GOPALA G.V.
S/O. VENKATESH G,
AGED ABOUT 32 YEARS,
GUDISIHALLI, CHIKKABALLAPUR,
KARNATAKA-562 104

...APPELLANT

(BY SRI. N R RANGEGOWDA., ADVOCATE)

AND:

1. SENTHIL BABU G
NO.108, 1ST FLOOR,
KUTEER BLISS APARTMENTS,
NO. BO NAGAR,
NEAR MEENAKSHI TEMPLE,
B G ROAD, BANGALORE-560 076.

2. UNITED INDIA GENERAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER,
REGIONAL OFFICE, KRISHI BHAVAN,
6TH FLOOR, NRUPATHUNGA RAOD,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. O. MAHESH., ADVOCATE FOR R2,
V/O DTD 11.08.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.02.2025 PASSED IN MVC
NO.1862/2024 ON THE FILE OF THE MEMBER, MACT, XIX
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU

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by PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



CITY (SCCH-17), 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 by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 27.02.2025 passed in MVC No.1862/2024 on the file of the Member, MACT, XIX Additional Judge, Court Of Small Causes, Bengaluru City, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. The injured claimant met with an accident on 07.02.2024 and filed claim petition claiming compensation of Rs.24 lakhs. The Tribunal considering the entire evidence on record granted an amount of Rs.7,02,480/-



with interest at the rate of 6% p.a. from date of petition till realisation.

4. Aggrieved by the said award he preferred an appeal and mainly contended that the petitioner sustained grievous injury and he examined the doctor as PW2 and he assessed the right lower limb disability as 41% and that of the whole body as 14% and the tribunal granted meager amount under other heads and also interest is to be granted at 9% p.a.

5. It is stated that the petitioner was aged 31 years at the time of accident and was working in private sector and earning Rs.25,000/- per month. However, he has not filed any income proof. As he was aged 31 years at the time of accident, the relevant multiplier to be taken is 16. As the accident occurred in the year 2024, the notional income as per the chart prepared by the Karnataka State Legal Services Authority is taken at ₹16,500/- per month. Ex.P10 is the wound certificate and Ex.P12 is the discharge summary. The petitioner has examined PW2, the doctor



and Orthopedic Surgeon has deposed as follows, that the petitioner sustained right talar neck fracture type III. The injured was treated with ORIF with C C screw on 8/2/2024 & later discharged on 11/2/2024. Further, the injured complains of inability to walk normally and is unable to sit down, squat and sit cross leg, lift weights, swelling of the foot & ankle at the end of the day. Petitioner has swollen right ankle, restricted right ankle movements. Also, recent X-ray of the right ankle shows non-union of the talus fracture with implant in situ. PW2, the Orthopedic Surgeon, has assessed the permanent physical disability of the right lower limb at 41% and the whole body disability at 14%. PW2 has further deposed that the petitioner requires a future surgery for removal of implants, and the estimated cost of such surgery is ₹60,000/-. Hence, the disability ought to have been taken at 1/3rd of 41% which comes to 14% disability to the whole body. However, the tribunal erred in taking the same as 12% without any basis. This court finds it reasonable to consider the



disability as 12% and the loss of future earning capacity comes to $\text{Rs.}16,500 \times 12 \times 16 \times 14\% = \text{Rs.}4,43,520/-$.

6. Further, the petitioner incurred **Rs.1,38,000/-** towards medical expenses, as per Ex.P13 and Ex.P14 and it is confirmed. The petitioner was hospitalized for a period of 5 days. Considering the nature of injuries period of hospitalisation and other relevant factors, Tribunal granted **Rs.50,000/-** for pain and suffering, **Rs.30,000/-** for loss of amenities and **Rs.66,000/-** towards loss of income during laid up period for 4 months. The said amounts are just and reasonable and do not call for any interference. This court finds it reasonable to grant **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. Further, future medical expenses is granted at **Rs.40,000/-** for future medical expenses.

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



Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future earning capacity	4,43,520
2	Pain and suffering	50,000
3	Loss of amenities	30,000
4	Transportation, extra nourishment and attendant charges.	30,000
5	Loss of income during laid down period	66,000
6	Medical bills	1,38,000
7	Future medical expenses	40,000
	Total	7,97,520

Hence, the compensation granted by tribunal is enhanced from Rs.7,02,480/- to **Rs.7,97,520/-** along with interest at the rate of 6% p.a.

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

ORDER

i. Appeal is ***allowed*** in part.



- ii. The judgment and award dated 27.02.2025 passed in MVC No.1862/2024 on the file of the Member, MACT, XIX Additional Judge, Court Of Small Causes, Bengaluru City, is modified.
- iii. The claimants are entitled to a sum of **Rs.7,97,520/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.7,02,480/- granted by the tribunal.
- iv. Respondent/Insurance Company has already deposited the awarded amount before the tribunal. Therefore, respondent/Insurance Company is directed to deposit the enhanced compensation of **Rs.95,040/-** along with the interest at the rate of 6% within one month from the date of this order.



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- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 74