



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.6287 OF 2024 (ECA)

BETWEEN:

1. SRI. TOUSEEF PASHA
S/O SAB BHAI.
NOW AGED ABOUT 24 YEARS.
RESIDING AT WARD NO.2.
ASHRAYA BADAVANE
CHINTHAMANI TOWN
CHIKKABALLAPUR DISTRICT.

...APPELLANT

(BY KUM. SUSHMITHA G.,ADVOCATE)

AND:

1. SRI SYED AZAR
S/O AMJAD,
NOW AGED ABOUT 27 YEARS,
RESIDING AT WARD NO.28,
MAHABOOB NAGAR
CHINTHAMANI TOWN
CHIKKABALLAPUR
DISTRICT - 563 125.

2. THE HDFC ERGO GENERAL
INSURANCE COMPANY LTD.,
SHANKARANARAYANA
BUILDING, M.G. ROAD
BANGALORE -560 001.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI.B.C.SHIVANNE GOWDA.,ADVOCATE FOR R2,
VIDE ORDER DATED 11.02.2026,
NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S 30(1) OF EMPLOYEE COMPENSATION ACT PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 02.11.2023 PASSED IN ECA NO.04/2022 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND CJM, MACT, CHICKBALLAPURA, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed against the award of the Tribunal in ECA No.04/2022 dated 02.11.2023. The injured/claimant met with an accident on 10.11.2021 and filed claim petition under Employees' Compensation Act. Tribunal considering the entire evidence on record, granted an amount of Rs.1,51,000/- with interest at the rate of 12% per annum from 10.11.2021 till realisation of the entire amount. Aggrieved by the said judgment and award, the appellant preferred this appeal and mainly contented that Tribunal has taken the wages as Rs.8,000/- per month though accident occurred on 10.11.2021 and Doctor assessed that the whole body disability as more



than 24%, the Tribunal has taken the same as 8%. Therefore, the following two substantial questions of law apply:

i. Whether the Trial Court is justified in taking wages of the appellant at Rs.8,000/- per month, even where the accident occurred on 10.11.2021, without due regard to the revised wage notification which comes in to effect from 03.01.2020?

ii. Whether the Trial Court is justified in assessing the loss of earning capacity at 8% only, when the medical evidence reveals that the permanent partial physical disability is at 15.24% to the whole body in contravention of Section 4(1) (c) (ii) of Employees' Compensation Act, 1923?

3. Admittedly petitioner met with an accident on 10.11.2021 and as per the Government Notifications dated 03.01.2021, Rs.15,000/- income has to be taken.

4. Petitioner examined the doctor as PW.2. The doctor stated that petitioner sustained the following injuries:

"Bimalleolar Fracture of right ankle. He was operated ORIF with TBW for medial malleolus with fibula plating for lateral malleolus right ankle. The doctor got X-ray of his right ankle AP/Lateral view. That shows union of fractures with implants in situ. Doctor assessed disability of right lower limb as 45.73% and 1/3rd of the same as a whole body disability, i.e., 15.24%."



It is stated that he requires another surgery for removal of implants and the estimated cost of the surgery is Rs.20,000/-.

5. As the appellant was aged 23 years, the relevant multiplier is 219.95. As it is a case of injury, 60% of Rs.15,000/- is to be taken for calculating the amount of compensation (Rs.9,000 x 219.95 x 15%) which comes to Rs.2,96,932/-. In addition the appellant is also entitled to Rs.66,501/- towards medical expenses as per Ex.P13. Therefore, the compensation is enhanced from Rs.1,51,000/- to Rs.3,63,433/- which comes to Rs.2,12,433/- (Rs.3,63,433 - Rs.1,51,000) with interest at the rate of 12% from date of accident till realisation.

6. The insurance company already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation of Rs.2,12,433/- with interest at the rate of 12%.

7. In the result, I pass the following:

ORDER

i. Miscellaneous First Appeal ***allowed in-part.***



- ii. Judgment and award dated 02.11.2023 passed in ECA No.04/2022 on the file of the Prl. Senior Civil Judge & CJM & MACT, Chikballapur is modified;
- iii. The appellant-claimant is entitled for enhanced compensation of Rs.2,12,433/- along with interest at the rate of 12% per annum from the date of petition till the date of realisation;
- iv. The respondent No.2-Insurance Company is directed to deposit the enhanced compensation of Rs.2,12,433/- with interest at the rate of 12% per annum within one month from the date of this order;
- v. On such deposit, the appellant-claimant is permitted to withdraw the entire amount along with interest accrued on the same;

Sd/-
(P SREE SUDHA)
JUDGE