



NC: 2026:KHC:16537
M.F.A. No.1683/2020

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.1683/2020 (MV-I)

BETWEEN:

RAMESH S/O LATE SANGAPPA
AGED 42 YEARS
OCC: BUSINESS
OWNER AND DRIVER OF MARUTHI
OMNI VEHICLE BEARING
REG NO.KA-17/P-3615
PERMANENT R/O HANAGAWADI VILLAGE
HARIHARA TALUK-577 601
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. R. SHASHIDHARA, ADV.,)

AND:

1. EXPRESS ROADWAYS PVT LTD
KAMLAGUPTHA, R/AT NO.5-64/182
S.NO.603,PASAMAMLA
PEDDAAMBERPET VILLAGE
HAYATHNAGARA
TELANGANA-500 070

II ADDRESS
EXPRESS ROADWAYS PVT. LTD.
PLOT NO.1, 9TH BLOCK NO.42
DOUBLE ROAD, AUTONAGAR
HYDRABAD-500070
ANDRA PRADESH.

Digitally signed
by ARSHIFA
BAHAR
KHANAM
Location: HIGH
COURT OF
KARNATAKA



2. THE MANAGER
DHDFC ERGO
GENERAL INSURANCE CO. LTD.
2ND, 4TH FLOOR
BEING OFFICE, NO.401 AND 402
KUCHIKULLA HOUSE
IN HIMAYATHNAGARA
HYDRABAD-500 070
ANDRA PRADESH.

...RESPONDENTS

(BY SRI. H.S. LINGARAJ, ADV., FOR R2
V/O/DTD:04.01.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 20.08.2019 PASSED IN MVC NO.71/2018 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, VI MACT, DAVANAGERE, 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 appellant challenging the judgment and award dated 20.08.2019 passed in MVC.No.71/2018 by the II Additional Senior Civil Judge and VI MACT, Davanagere, (for short 'the Tribunal').



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

3. Sri.R.Shashidhara, learned counsel appearing for the appellant submits that the Tribunal has committed a grave error in assessing the income of the injured appellant at Rs.9,000/- per month, hence he seeks to reassess the same at Rs.11,000/- per month as per the notional income chart prepared by the KSLSA. It is submitted that the Tribunal has awarded meager compensation under the heads of pain and suffering, loss of amenities and other conventional heads, hence he seeks to reassess the same and enhance the compensation by considering the oral and documentary evidence available on record. Accordingly, he seeks to allow the appeal.

4. Per contra, Sri.H.S.Lingaraj, learned counsel for respondent No.2 supports the impugned judgment and



award of the Tribunal and submits that the appellant has failed to produce the evidence with regard to his income. In the absence of such proof, the Tribunal has rightly assessed the income at Rs.9,000/- per month, considered the disability at 5% and awarded just and reasonable compensation. It is submitted that there is no scope for enhancement of compensation. Accordingly, he seeks to dismiss the appeal.

5. I have heard the arguments on both the sides and meticulously perused the material on record.

6. The parties to the proceedings do not dispute that the appellant met with a road accident on 12.04.2017 and sustained comminuted fracture of 5th Metacarpal bone of left hand. The records indicate that there were internal fixation with K wire to the left hand and the doctor opined that the appellant has developed deformity around 5th Metacarpal region causing weak grip strength and restriction in movement. The Tribunal has therefore,



assessed the disability at 18%. The Tribunal, taking into consideration the nature of injuries and the treatment provided, assessed the disability at 5% to the whole body. However, considering the evidence of PW4, 1/3rd of the 18% would be 6%. Accordingly, this Court reassesses the disability at 6% to the whole body. Admittedly, no evidence has been produced with regard to the income of the injured appellant, hence his income is notionally assessed at Rs.11,000/- per month by placing reliance on the notional income chart prepared by the KSLSA. It is not in dispute that the claimant was aged about 41 years at the time of the accident; therefore, the appropriate multiplier would be 14, which has been rightly considered by the Tribunal. Having reassessed the income and disability of the appellant/claimant, the appellant/claimant is entitled to compensation under the head of ***loss of future income due to disability*** as under:

$$\text{Rs.11,000} \times 12 \times 14 \times 6\% = \textbf{Rs.1,10,880/-}.$$



7. The Tribunal awarded a sum of Rs.41,031/- towards medical expenses, which is unaltered. However, taking note of the oral evidence of appellant/claimant, the testimony of PW4, and other medical evidence available on record, I am of the considered view that the compensation awarded by the Tribunal under other heads is required to be reassessed by appropriately enhancing the same. Accordingly, The appellant is entitled to the modified compensation as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	40,000
Loss of amenities	40,000
Medical expenses	41,031
Loss of income during laid-up period (Rs.11,000 X 3)	33,000
Loss of future income due to disability	1,10,880
Towards conveyance, attendant charges, food and nourished food	20,000
Total	2,84,911

Thus, the appellant-claimant shall be entitled to total compensation of **Rs.2,84,911/-** as against Rs.1,50,631/- awarded by the Tribunal.



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

ORDER

- a) Appeal stands ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.2,84,911/-** as against Rs.1,50,631/- awarded by the Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.
- d) The 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 certified copy of this judgment.



- e) On such deposit, the Tribunal shall release
the entire enhanced compensation
amount in favour of the appellant.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 14