



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6453 OF 2024 (MV-I)

C/W

MFA CROSS OBJECTION NO. 34 OF 2025 (MV-I)

IN MFA No. 6453/2024

BETWEEN:

1. SRI M RENUKAPPA
S/O LATE MALLAPPA,
AGED ABOUT 68 YEARS,
RESIDING AT K SHANAKARANAHALLI,
KANAKATTE HOBLI,
ARASIKERE TALUK,
HASSAN DISTRICT - 573 144

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. TATA AIG GENERAL INSURANCE COMPANY LTD
NO.69, 3RD FLOOR,
J P AND DEVI JAMBUKESHWAR ARCADE
MILLER ROAD,
BENGALURU - 560 052
BY ITS MANAGER
2. MR DINESH
S/O NINGAPPA,
MAJOR,
AGE OF R2 NOT KNOWN TO APPELLANT,
NO.2578, 10TH CROSS 1ST MAIN,





R P C LAYOUT,
BENGALURU - 560 040

...RESPONDENTS

(BY SRI. MURALIDHARA N., ADVOCATE)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.20.04.2024 PASSED IN MVC NO.188/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, BENGALURU, (SCCH-7), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION BARRED BY TIME.

IN MFA.CROB NO. 34/2025

BETWEEN:

1. TATA AIG GENERAL INSURANCE COM. LTD.,
NO.69, 3RD FLOOR,
JP AND DEVI JUMBUKESHWAR ARCADE,
MILLERS ROAD,
BENGALURU -560 052
REPRESENTED BY ITS AVP - CLAIMS LEGAL.

...CROSS OBJECTOR

(BY SRI. MURALIDHARA N., ADVOCATE)

AND:

1. SRI. M. RENUKAPPA
S/O LATE MALLAPPA,
AGED ABOUT 68 YEARS,
R/AT, K SHANKARANAHALLI,
KANAKATTE HOBLI, ARASIKERE TALUK,
HASSAN DISTRICT - 573 144.
2. SRI DINESH,
S/O NINGAPPA



MAJOR IN AGE,
R/AT, NO.2578, 10TH CROSS,
1ST MAIN, RPC LAYOUT,
BENGALURU -560 040

...RESPONDENTS

(BY SRI. GIRIMALLAIAH, ADVOCATE)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.04.2024 PASSED IN MVC.NO. 188/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), AWARDED COMPENSATION OF RS.1,34,381/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TO TILL THE DATE OF DEPOSITING OF THE COMPENSATION AMOUNT IN THE COURT.

THIS MFA AND MFA CROB, COMING ON FOR FINAL HEARING, 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. These appeals are filed against the award of the Tribunal in MVC No.188/2023 dated 20.04.2024. Injured/claimant met with an accident on 25.11.2022 and filed claim petition claiming compensation of Rs.10,00,000/-.



3. MFA No.6453/2024 is filed by claimants and MFA.Crob No.34/2025 is filed by Insurance Company against the same award and contended that the claimant was treated conservatively. Fractures are united completely and he was aged 69 years and there will be restriction in the movements of the limbs. But the tribunal granted excessive amounts under the relevant heads. They have already complied the order of the Tribunal. There is delay of 93 days in filing the cross objections and thus requested for modification of the order.

4. Tribunal considering the entire evidence on record granted an amount of Rs.1,34,381/- with interest at the rate of 6% per annum from date of petition till realisation.

5. Aggrieved by the said order, he preferred an appeal and mainly contended that he was aged 67 years, doing agriculture work and earning Rs.20,000/- per month and he sustained grievous injuries and was in the hospital as an inpatient for 6 days. Doctor assessed the disability of the upper limb as 7% and right hand as 7.66% and whole body as 13.4%. But the tribunal has not considered the disability and awarded only Rs.20,000/- under the head loss of income during laid up period and awarded a meagre sum under all other



heads. Hence, appellant requested for enhancement of the compensation.

6. Learned counsel for the respondent stated that at para No.17 of the impugned order, tribunal has rightly observed that he sustained left clavicle fracture, which is an ornamental bone and fracture is united as such and PW-2 also accepted in the cross-examination that petitioner was not having physical or permanent disability due to the fracture of left clavicle, as such the tribunal has rightly considered the disability and it needs no interference.

7. Though it is stated that petitioner was earning Rs.20,000/- per month, he has not produced any income proof. As he met with an accident on 25.11.2022 his notional income is to be taken as Rs.15,500/- per month. He was aged 67 years and the multiplier is '5'. He sustained left clavicle fracture and right hand crush injury with 4th proximal phalanx fracture which are grievous in nature. He also examined PW-2. He stated that in the accident the petitioner has sustained left clavicle fracture and right hand crush injury with 4th proximal phalanx fracture and the petitioner underwent conservative management for both fracture and discharged on 02.12.2022 and now the



petitioner complaints of healed scar mark over right hand and deltoid wasting observed, associated with pain on movement of shoulder and hand and wrist right, daily activities like lifting weight and other co-ordinated activities of upper limb found to be difficult. Further deposed that X-ray shows clavicle united and also phalanx fracture united and the petitioner has sustained whole body disability at 13%.

8. Learned counsel for the appellant stated that petitioner also sustained crush injury with 4th proximal phalanx fracture. Petitioner was an agriculturalist. Therefore, the observation of the tribunal is not on proper acquisition of facts. Considering the medical evidence, PW-2 is a treated doctor and he stated the disability of left upper limb has 22% and that of the right upper limb has 23% and the whole body disability has 13%. Therefore, basing on the medical evidence, this Court finds it reasonable to take the disability as 13%. Thus, loss of future earning capacity comes to Rs.1,20,900/- ($15,500 \times 12 \times 5 \times 13\%$). The Tribunal has granted Rs.75,000/- for pain and suffering and Rs.25,000/- towards loss of amenities and it is confirmed.



9. Petitioner might not have attended any work for a period of 2 months. Therefore, Rs.31,000/- (15,500 x2) is to be granted under the head loss of income during laid up period. Tribunal has granted Rs.14,381/- towards medical expenses and it is confirmed. He is also entitled for Rs.30,000/- for transportation, extra nourishment and attendant charges. Thus, the compensation is enhanced from Rs.1,34,381/- to Rs.2,96,281/-.

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

ORDER

- i. MFA No.6453/2024 is ***allowed in part.***
- ii. The judgment and award dated 20.04.2024 passed in MVC No.188/2023 on the file of IX ASCJ, Small Causes and Additional MACT, Bengaluru is modified.
- iii. The claimant is entitled to a sum of Rs.2,96,281/- along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.1,34,381/- granted by the tribunal.



- iv. The Insurance Company already deposited the awarded amount before the tribunal. Therefore, Insurance Company is directed to deposit the enhanced compensation of Rs.1,61,900/- (Rs.1,34,381/- - 2,96,281/-) with interest at the rate of 6% per annum within one month from the date of this order.
- v. On such deposit, petitioner/claimant is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. MFA.Crob No.34/2025 is ***dismissed***.

Sd/-
(P SREE SUDHA)
JUDGE

VS
CT-SG
List No.: 1 Sl No.: 37