



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.6924 OF 2025(MV-I)

BETWEEN:

MADHU,
S/O SHIVANNA,
AGED ABOUT 30 YEARS,
PETROL BUNK AND AGRICULTURE WORK,
R/O SANNAKITTADAHALLI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT - 577 527.

...APPELLANT

(BY SRI. SHIVAKUMARAPPA T C., ADVOCATE)

AND:

1. HANUMAKKA,
W/O RAJAPPA,
AGED ABOUT 50 YEARS,
R.C OWNER OF MOTOR CYCLE
BEARING NO. KA-16-ES-4436,
R/O SANNAKITADAHALLI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT - 577 527.

2. THE MANAGER,
HDFC ERGO GENERAL
INSURANCE CO. LTD.,
NO.1171/1, 2ND MAIN,
P B ROAD,

Digitally signed
by
PADMA SHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



VINOBHANAGAR,
DAVANAGERE TOWN - 577 006.

...RESPONDENTS

(BY SRI.D.VIJAYA KUMAR, ADVOCATE FOR R2 VIDE ORDER
DATED 18.12.2025;NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 23.05.2025 PASSED IN MVC
NO.509/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, HOSADURGA, 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

This appeal under Section 173(1) of the M.V. Act
arises from the judgment and award dated 23.05.2025
passed by the learned Senior Civil Judge & Addl. MACT.,
Chitradurga, in M.V.C.No.509/2023.

2. The appellant/claimant, who sustained injuries
in a road traffic accident on 19.07.2022 filed a claim



petition under Section 166 of the Motor Vehicles Act, 1989, seeking compensation amount of Rs.15,00,000/-. The Tribunal awarded a total compensation of Rs.3,51,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Aggrieved by the award of Tribunal, he preferred appeal.

3. Heard the learned counsel for the appellant and the respondent - Insurance Company and perused the trial Court records.

4. It is contended that the petitioner sustained grievous injuries and was hospitalized for 9 days and surgery was conducted to the lower 1/3 part of his right leg and knee and took prolonged treatment and spent huge amount towards medical expenses. The amount granted under the heads pain and suffering, loss of income during laid up period, loss of amenities and other conventional heads are meager. Though the petitioner examined the doctor as PW-2, who assessed the disability



at 36%, but the Tribunal erred in taking the disability at only 10%. Therefore, requested for enhancement of the compensation.

5. Though it is contended that the claimant was working in petrol bunk and also doing agriculture and earning Rs.2,00,000/- per year and was earning Rs.1,000/- per day from the petrol bunk, no documentary evidence has been produced to substantiate the same. In the absence of proof of income, as the accident occurred in the year 2022, the notional income at Rs.15,500/- per month is taken as per the chart prepared by Karnataka State Legal Services Authority and multiplier is taken at '17'.

6. As per the wound certificate Ex.P.6, and Ex.P.11 Disability Certificate, the claimant admittedly sustained following injuries:

"Sustained a " Swelling of right ankle point"
He sustained an injury of " Causing fractures both bones of right leg at its distal 1/3" resulting in 36 percent permanent disability."



7. As per disability certificate Ex.P.11, the claimant has sustained injury causing fractures of both bones of right leg 1/3rd of 36% comes to 12% disability. Therefore, loss of future earning capacity comes to Rs. **3,79,440/-** (Rs.15,500 X 12 X 17 X 12%).

8. The Tribunal has awarded **Rs.600/-** towards medical expenses, and it is confirmed. The petitioner was hospitalized for a period of 9 days. Considering the nature of the injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to award **Rs.50,000/-** towards pain and suffering, **Rs.25,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment, and attendant charges. The petitioner might not have done any other work at least for a period of 2 months. Therefore, **Rs.31,000/-** (15,500x2) is to be granted under the head loss of income during laid up period.



9. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2	Towards medical expenses	600/-
3	Towards loss of amenities	25,000/-
4	Towards transportation, extra nourishment and attendant charges	30,000/-
5	Towards loss of income during laid up period	31,000/-
6	Towards loss of future earning capacity	3,79,440/-
	Total	5,16,040/-

10. Hence, the appellant-claimant is entitled for a total compensation of **Rs.5,16,040/-** along with interest at the rate of 6% p.a.

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

ORDER

i. The appeal is ***allowed*** in part.



- ii. The judgment and award dated 23.05.2025 passed in MVC No.509/2023 on the file of the learned Senior Civil Judge & Addl. MACT-Chitradurga, is modified.
- iii. The claimant is entitled to a sum of **Rs. 5,16,040/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,51,800/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.1,64,240/-** 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, the claimant is permitted to withdraw the same along with accrued interest on it.

Sd/-
(P SREE SUDHA)
JUDGE

HR
List No.: 1 Sl No.: 57