



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.7107 OF 2024 (MV-I)

BETWEEN:

SMT. CHANDRAMMA
W/O LATE GAVISIDDEGOWDA,
NOW AGED ABOUT 47 YEARS,
RESIDING AT,
KORATAGERE DODDI VILLAGE,
RAGIHALLI POST,
ANEKAL TALUK,
BENGALURU DISTRICT - 560 083.

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. LIBERTY GENERAL INSURANCE COMPANY LTD.,
NO.2/5, 4TH FLOOR, LAND MARK,
NEAR NEW TRINITY METRO STATION,
M G ROAD, BENGALURU - 560 001.
BY ITS MANAGER.
2. MR SHARATH P V
S/O P VENKATESH,
MAJOR (AGE OF R-2 NOT KNOWN
TO APPELLANT)
NO. 286, 2ND CROSS, 2ND BLOCK,
BSK 3RD STAGE,
BENGALURU - 560 085.

...RESPONDENTS

(BY SRI. PRADEEP B., ADVOCATE FOR R1)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 31.07.2024 PASSED IN MVC NO.2324/2022 ON THE FILE OF THE MEMBER, PRINCIPAL MACT, JUDGE, COURT OF SMALL CAUSES, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, 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 by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988, challenging the judgment and award dated 31.07.2024 passed in MVC No.2324/2022 by the Chief Judge, Court of Small Causes, Member Principal Motor Accident Claims Tribunal, Bengaluru (for short, 'the Tribunal') seeking enhancement of compensation.

3. The injured claimant met with an accident on 08.02.2022 and filed a claim petition claiming compensation of Rs.20,00,000/-. The Tribunal, after



considering the entire evidence on record granted an amount of Rs.2,21,400/- with interest at 6% per annum from the rate of petition till realisation.

4. Aggrieved by the said award, the claimant has preferred this appeal contending that she was aged 45 years at the time of the accident and was working at Vinayaka Hospital, Jayanagar, earning Rs.20,000/- per month. It is further contended that as per the evidence of RW-1, the claimant had to leave her job after sustaining injuries in the accident. The claimant sustained grievous injuries and the doctor, who examined her, assessed the permanent disability at 57% to the lower limb and 19% to the whole body. However, the Tribunal has not properly considered the said disability. It is also contended that the income assessed by the Tribunal is on the lower side and the amounts awarded under various other heads are inadequate. Hence, requested for enhancement of the compensation.



5. Learned counsel for the respondent contended that the claimant has not produced relevant documentary evidence to establish her income. Therefore, the notional income has to be considered as per the chart prepared by the Karnataka State Legal Services Authority. However, there is no dispute with regard to the fact that the claimant was working as an outsourcing employee at Vinayaka Hospital. In order to substantiate the same, the respondent examined RW-1, an OT Technician of Vinayaka Hospital, who produced the copy of the attendance register pertaining to the claimant for the months of August 2021 to December 2021 and January 2022 to April 2022, which was marked as Ex.R-1. He deposed that the claimant was working in the hospital from August 2021 onwards and continued to work till February 2022. In the cross-examination, RW-1 admitted that the claimant was being paid Rs.600/- per day apart from OT charges and incentives and that her total earnings were around Rs.20,000/- per month including all allowances. Therefore,



this Court finds it reasonable to take the monthly income of the claimant at Rs.20,000/-. The claimant was aged 45 years at the time of the accident and therefore the applicable multiplier is '14'.

6. The claimant sustained the following injury:

i. Post-traumatic fracture of proximal 1/3rd tibia shaft fracture with open Type-I wound.

The said fracture was surgically treated. The doctor who examined the claimant assessed the permanent disability at 57% to the lower limb and 19% to the whole body. However, the Tribunal has not properly considered the disability and the income of the claimant while awarding compensation.

7. The claimant examined PW-2, the doctor, who deposed that the claimant sustained fracture of proximal 1/3rd tibia shaft with open Type-I wound and that surgery was conducted under spinal anesthesia on 10.02.2022. The tibia fracture was operated and fixed with interlocking



nail, and the claimant was discharged from the hospital on 16.02.2022.

8. The doctor has assessed the permanent disability at 57% to the lower limb and 19% to the whole body. Admittedly, the claimant was working as an outsourcing employee and as per the evidence of RW-1, she lost her employment after sustaining injuries in the accident. However, the Tribunal has not awarded any compensation under the head loss of future earning capacity. Therefore, this Court finds it reasonable to award compensation under this head. Taking the monthly income at Rs.20,000/-, applying the multiplier '14', and considering the whole body disability at 19%, the compensation towards loss of future earning capacity works out to $\text{Rs.20,000/-} \times 12 \times 14 \times 19\% = \text{Rs.6,38,400/-}$.

9. It is also observed from the evidence of PW-2 that the claimant underwent surgery under the Ayushman Bharat Arogya Scheme, which is available for BPL card



holders and the Government sanctioned an amount of Rs.20,000/- towards the said treatment. The Tribunal has awarded Rs.7,400/- towards medical expenses, which is found to be just and reasonable and therefore, the same is confirmed.

10. The Tribunal has further awarded Rs.70,000/- towards pain and suffering, Rs.30,000/- towards transportation, extra nourishment and attendant charges and Rs.50,000/- towards loss of amenities. This Court finds that the amount of Rs.30,000/- awarded towards transportation, extra nourishment and attendant charges is reasonable and the amounts awarded under the other heads are also confirmed.

11. Further, PW-2, the doctor has stated that the claimant requires one more surgery for removal of the implants for which she would have to incur an expenditure of about Rs.20,000/- to Rs.25,000/-. Therefore, this Court finds it reasonable to award a sum of Rs.20,000/- towards future medical expenses.



12. This Court finds it reasonable to award a sum of Rs.80,000/- (Rs.20,000 x 4 months) towards loss of income during laid-up period. The compensation awarded towards transportation, extra nourishment and attendant charges and loss of income during laid up period is accordingly modified. However, the amounts awarded towards pain and suffering, loss of amenities and medical are found to be just and reasonable and therefore confirmed.

13. Thus, the compensation awarded by this Court is as follows:

Particulars	Amount in Rs.
Loss of future earning capacity	6,38,400.00
Pain and suffering	70,000.00
Loss of amenities	50,0000.00
Transportation, extra nourishment and attendant charges	30,000.00
Future medical expenses	20,000.00
Loss of income during laid up period	80,000.00
Total	8,95,800.00

2. In summary, the appellant/claimant is entitled to a total compensation of Rs.8,95,800/- as against



Rs.2,12,400/- awarded by the Tribunal. The enhanced compensation works out to Rs.6,83,400/-. To this extent, the award passed by the Tribunal is modified.

3. In the result, pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 31.07.2024 passed in MVC No.2324/2022 by the Chief Judge, Court of Small Causes, Member Principal Motor Accident Claims Tribunal, Bengaluru, is hereby modified;
- iii. The appellant-claimant is entitled to enhanced compensation of Rs.6,83,400/-. (Rs.8,95,800/- minus Rs.2,12,400/-) with interest at the rate of 6% per annum from the date of petition till its realization.
- iv. Respondent No.1/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance



Company is directed to deposit enhanced compensation of Rs.6,83,400/- with interest rate of 6% 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 it.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 Sl No.: 13