



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 7033 OF 2025 (MV-I)

BETWEEN:

1. SRI H KESHAVA GOWDA
S/O A HANUMANTHAIAH,
NOW AGED ABOUT 52 YEARS
RESIDING AT NO 1187, 18TH MAIN ROAD,
NEAR JALAGERAMMA TEMPLE, AVALAHALLI MAIN
ROAD, SRINAGARA, BENGALURU 560050

...APPELLANT

(BY SRI. GIRI MALLAIAH.,ADVOCATE)

AND:

1. FUTURE GENERAL INDIA INSURANCE COMPANY LTD
SHARAVANEE KRISHNA MANSION
100 FEET ROAD, 2ND BLOCK,
JAYANAGAR, BANGALORE 560011
BY ITS MANAGER
2. SMT GOWRI MAHESH KUMAR
W/O T N MAHESH KUMAR,
MAJOR (AGE NOT KNOWN TO APPELLANT)
FLAT NO 002, GF SSK ENCLAVE,
12TH CROSS, RAGHAVENDRA LAYOUT,
PADMANABHANAGAR, BENGALURU 560070
3. GO DIGIT GENERAL INSURANCE COMPANY LTD
PIONEER ATLANTIS, NO 94-95,
4TH B CROSS, 5TH BLOCK,
KORAMANGALA, BENGALURU 560095
BY ITS MANAGER

...RESPONDENTS

(BY SRI. MURALIDHAR NEGAVAR - ADVOCATE FOR R3;

V/O. DT.23.09.2025, NOTICE TO R1 AND R2 D/W.)



THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 10.07.2025 PASSED IN MVC NO. 4278/2022 ON THE FILE OF THE XXIV ADDITIONAL SMALL CAUSES JUDGE AND THE MOTOR ACCIDENT CLAIMS TRIBUNAL AND ACJM (SCCH-26), BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, 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. This appeal is filed against the award of the Tribunal in MVC No.4278/2022 dated 10.07.2025.

3. Brief facts of the case are that, the injured claimant/petitioner met with an accident on 03.04.2022 and filed claim petition claiming compensation of ₹50.00 lakhs. Tribunal considering the entire evidence on record granted an amount of ₹17,44,416/- with interest at the rate of 6% per annum from date of petition till realisation.

4. Aggrieved by the said amount, this appeal is preferred, in which it is mainly contented that, the



petitioner sustained grievous injuries and was admitted in the hospital for 36 days in a span of 8 months and the doctor assessed the disability of the whole body as 70%. As it is a case of amputation below knee, functional disability comes to 100% and the petitioner requires ₹15,00,000/- for *prosthetic limb*. The petitioner was aged 49 years earning ₹30,000/- per month by doing real estate business and due to the aforesaid injuries suffered in the road traffic accident, now he could not do his business. The Tribunal granted meagre amounts under all the heads. Therefore, requested for enhancement of the compensation.

5. Considered the contentions and perused the material on record.

6. The petitioner has stated that he was earning ₹30,000/- per month, but he has not filed any income proof. As he met with the road traffic accident in the year 2022, the Tribunal has rightly taken the notional income of ₹15,500/- as per the chart prepared by the Karnataka



State Legal Services Authority, which this Court concurs. The petitioner was aged 49 years and the applicable multiplier is "13" which is also correct.

However, due to the injuries suffered in the road traffic accident, the petitioner underwent multiple surgeries and he examined the doctor as PW.3 and he has stated that the petitioner underwent amputation for left above knee proximal 1/3rd (upto 8 cm. from knee joint) and thus assessed the whole body disability as 70%. But the Tribunal erred in taking the disability as 35% which is incorrect and as it is a case of amputation, this Court finds it reasonable to take the disability as 60%. Further, as the disability is more than 20%, petitioner is also entitled for addition of 25% towards future prospects. Thus, compensation towards loss of future income towards disability comes to **Rs.18,13,500/-** (15,500+25%x12x13x60%) as against Rs.8,46,300/- awarded by the Tribunal.



The petitioner has incurred ₹4,49,416/- towards medical expenses as per Exhibit P.11 and the Tribunal has rightly granted the said amount and it is confirmed. The petitioner was hospitalised for a period of 36 days on different spells. Considering the nature of injuries sustained by the petitioner, tribunal has awarded **Rs.1,00,000/-** towards pain and suffering, which is just and proper and is confirmed. However, considering the period of hospitalisation, occupation and other relevant factors this Court finds it reasonable to grant **Rs.60,000/-** towards loss of amenities and **Rs.60,000/-** for transportation, extra nourishment and attendant charges. Compensation granted towards loss of income during laid up period at **Rs.1,55,000/-** (Rs.15,500 x 10m) is just and reasonable and is confirmed. Further, as artificial limb is to be fixed and changed periodically, compensation granted by the Tribunal towards future medical expenses at **₹1,00,000/-** is also confirmed.



The total compensation comes to **Rs.27,37,916/-**.
Compensation awarded by the Tribunal is Rs.17,44,416/-
and the **enhanced compensation comes to**
₹9,93,500/-, as per the table below :

Particulars	Amount in Rs.
Loss of future income due to disability(15500+25%×12×13×60%)	18,13,500.00
Pain and suffering	1,00,000.00
Loss of amenities	60,000.00
Transportation, extra nourishment, & attendant charges	60,000.00
Medical expenses	4,49,416.00
Loss of income during laid down period (Rs.15500×10m)	1,55,000.00
Future medical expenses	1,00,000.00
Total	27,37,916.00
Enhanced compensation	9,93,500.00

Respondent No.3-Insurance company has already deposited the compensation amount awarded by the Tribunal and is directed to deposit the enhanced compensation of ₹9,93,500/- with interest at the rate of 6% within one month from the date of this order.



On such deposit, petitioner is permitted to withdraw the entire amount along with interest.

Accordingly, the appeal is ***allowed in part.***

**Sd/-
(P SREE SUDHA)
JUDGE**

RS
List No.: 1 SI No.: 46