



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. 7675 OF 2025 (MV-I)

BETWEEN:

SRI KRISHNAN
S/O LATE NANJUNDAIAH,
AGED ABOUT 55 YEARS,
R/AT C/O SANTHOSH KUMAR,
KSRTC LAYOUT, RAYANNAGAR,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT.

AND ALSO R/AT NO. 81,
SLETOR HOUSE, KANDAL,
UDHAGAMANDALAM, OOTY,
THE NILAGIRIS DISTRICT,
TAMILNADU STATE.

...APPELLANT

(BY SRI. N R RANGEGOWDA., ADVOCATE)

AND:

1. SMT MANGALA S
W/O MARIYAPPA,
AGED MAJOR,
R/AT NO. KUPPEMALA VILLAGE,
SOLUR HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT.
2. THE MANAGER
HDFC ERGO GENERAL INSURANCE CO. LTD.,
GROUND FLOOR, ACR TOWER,
NO. 32, RESIDENCY ROAD,
OPP. TO SBI BANK, ASHOK NAGAR,

Digitally signed
by PADMAASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



BANGALORE-560 025.

...RESPONDENTS

(BY SRI. B. PRADEEP., ADVOCATE FOR R2,
V/O DATE 25.10.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 18.09.2025 PASSED IN MVC NO. 3715/2023 ON THE FILE OF THE MEMBER MACT, XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU SCCH-17, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 18.09.2025 passed in MVC No.3715/2023 on the file of XIX Additional Judge, Court of Small Causes, MACT, Bengaluru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2. The ranks of the parties are retained as per tribunal for the sake of convenience.



3. The injured claimant met with an accident on 13.03.2023 and filed claim petition claiming compensation of Rs.10,50,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.3,68,400/- with interest at the rate of 6% p.a. from date of petition till realization.

4. Aggrieved by the said order, they preferred an appeal and mainly contended that PW2/doctor assessed the disability as 40% to the left lower limb and 13% to the whole body. But the tribunal erred in taking the same as 10%. The tribunal granted meager amounts under the other heads and interest is to be granted at the rate of 9%. Learned counsel for the respondent stated that he was treated conservatively and not undergone surgery. The tribunal has rightly taken the disability as 10% and it is to be confirmed.

5. It is further stated that the petitioner was aged 53 years working as a security and earning Rs.25,000/- per month. But he has not filed any income proof. As he



met with an accident in the year 2023, his notional income is to be taken as Rs.16,000/- per month. The tribunal has rightly considered his notional income as Rs.16,000/- per month. He was aged 53 years and the multiplier to be taken is '11'. Ex.P3 is the wound certificate and Ex.P11 is the discharge summary. Petitioner examined doctor as PW2 who is an Orthopedic Surgeon and he stated that petitioner sustained left acetabular fracture and was treated at VP magnus hospital conservatively and was advised bed rest for a month. Petitioner complains of inability to walk normally, unable to sit down, squat and sit cross leg and carry his work as security. Also, that the petitioner has mild limping gait, restricted left hip movements, wasting of the left gluteal muscles. He further mentioned that the recent x-ray of the left hip shows united fracture. Further, the doctor assessed the disability of the left lower limb as 40% and that of the whole body as 13%. The Tribunal has taken the disability as 10% on the ground that he was treated conservatively.



So this Court finds no reason to interfere with the disability assessed by the Tribunal. The injured was hospitalized for a period of 2 days and he sustained only one fracture. Even doctor advised bed rest only for one month and granted reasonable amounts under other heads. Therefore, this Court finds no reason to interfere with the award of the Tribunal.

Accordingly, appeal is ***dismissed*** as devoid of merits, confirming the award passed by the Tribunal.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 75