



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8210 OF 2025 (MV-I)

BETWEEN:

1. HEMANTH K.S.
SHIVAGIRIYAIHAH,
AGE 25 YEARS,
R/AT NO.4398,
RAJAKEMPEGOWDA LAYOUT,
6TH CROSS, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT-571 501.

...APPELLANT

(BY SRI. R.SHASHIDHARA.,ADVOCATE)

AND:

1. CHANDRASHEKAR MURTHY T.S.
S/O SUBBAPPA,
AGE MAJOR,
R/AT NO.192, THAMADAHALLI,
KANDEGALA, MALAVALLI TALUK,
MANDYA DISTRICT-571 430.
2. THE CHIEF MANAGER,
IFFCO TOKIYO GENERAL INSURANCE CO. LTD.,
NO.1586, OPP. BEO OFFICE,
1ST STAGE, K.R. ROAD,
VIDYANAGARA,
MANDYA-571 401.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 18.12.2025, NOTICE TO R1 IS D/W)





THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.04.09.2025 PASSED IN MVC NO. 580/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT, CHANNAPATNA, 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

Heard the learned counsel on both the sides.

2. This appeal is filed against the judgment and award dated 04.09.2025 passed by the Senior Civil Judge and JMFC, Additional MACT at Channapatna (henceforth referred to as 'Tribunal') in MVC No.580/2009.

3. Injured claimant met with an accident on 22.06.2019 at 8.45 a.m. and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal after considering the entire evidence and record, has awarded the compensation of Rs.2,07,500/- with interest at the rate of 6% per annum from the date of petition till its realization.



4. Aggrieved by the said judgment and award of the Tribunal, the appellant/claimant has preferred this appeal and it is mainly contented that the compensation awarded by the Tribunal under the other heads are meager. He was inpatient for a period of 8 days. He was earning Rs.20,000/- per month. The doctor assessed the disability at 32.5%. But the Tribunal has erroneously considered only 3%. Hence, he prays for enhancement of compensation.

5. Though the appellant/claimant has stated that he was earning Rs.20,000/- per month. He has not filed any income proof. As he met with an accident in the year 2019, the Tribunal has rightly considered his notional income at Rs.14,000/- per month. He was aged 19 years and the multiplier is taken as '18'.

6. As per Ex.P2-Wound certificate, the appellant/claimant sustained the following injuries:

- *"Swelling and tenderness over right knee joint.*
- *An abrasion over right foot 3*1 cms. Out of the said injures, the first injury is in grievous in nature and the second injury is simple.*



7. The appellant examined himself as PW.1 and also examined the doctor as PW.2. PW.2 deposed that the petitioner was diagnosed with a comminuted fracture of the right patella. He was treated with antibiotics, analgesics, and other supportive medication. He underwent surgery, namely ORIF with TBW, Right Patella on 22.06.2019. The petitioner was discharged on 26.06.2019 with advice to attend follow-up treatment regularly on an outpatient basis. The patient was again admitted on 21.10.2020 and underwent implant removal surgery of right knee on the same day.

8. Upon clinical examination, the Doctor noted the following findings:

- *Right knee movements restricted.*
- *X ray shows fracture united.*

9. The doctor assessed the disability at 32.5% to the limb. $\frac{1}{3}^{\text{rd}}$ of 32.5% comes to 11% to the whole body disability. The Tribunal has considered the whole body disability at 3%, which is not correct. Therefore this Court finds it just and reasonable to take disability at '11%'. 'Loss of future earning capacity' which comes to $\text{Rs. } 3,32,640 = 14,000 \times 12 \times$



18 x 11%. The Tribunal has awarded an amount of Rs.64,334/- towards 'medical expenses' as per the relevant document and the same is confirmed.

10. The appellant/claimant was hospitalized for a period of 8 days. Considering the nature of injuries sustained and period of hospitalization, this Court finds that the appellant/claimant might not have attended any other work at least for a period of 3 months. Therefore, for 3 months, the compensation under the head of 'loss of income during the laid-up period' comes to Rs.42,000/- (14,000 x 3).

11. Further, this Court finds it reasonable to award Rs.50,000/- towards 'pain and suffering', Rs.25,000/- towards 'loss of amenities', Rs.30,000 towards 'transportation, attendant, food and nourishment charges'.

12. Thus, in all, the appellant/claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Pain and suffering	50,000
2.	Loss of amenities	25,000
3.	Transportation, Attendant, food	30,000



	and nourishment charges	
4.	Medical Expenses	64,334
5.	Loss of income during laid up period	42,000
6.	Loss of future earning capacity due to disability	3,32,640
Total		5,43,974

13. The Tribunal has awarded the compensation of Rs.2,07,500/- but the appellant/claimant is entitled to total compensation of Rs.5,43,974/-. Therefore, the appellant/claimant is entitled to enhanced compensation of **Rs.3,36,474/-** (Rs.5,43,974 - Rs.2,07,500).

15. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The judgment and award dated 04.09.2025 passed by the Senior Civil Judge and JMFC, Additional MACT at Channapatna in MVC No.580/2009, is modified.
- iii. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to



deposit the enhanced compensation of **Rs.3,36,474/-** along with the interest at the rate of 6% within one month from the date of this order.

- iv. On such deposit, the appellant/claimant is permitted to withdraw the entire amount along with interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

SMC
List No.: 1 SI No.: 51