



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.201731 OF 2022 (MV-I)

BETWEEN:

SAVITA W/O SANJUKUMAR,
AGE: 28 YEARS, OCC: LADIES TAILOR, NOW NIL,
R/O. H.NO. 9-966 HARUGERI,
AMBEDKAR COLONY, BIDAR.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

Digitally
signed by
SUMITRA
SHERIGAR

Location:
HIGH
COURT OF
KARNATAKA

1. SHIVAKUMAR S/O GUNDAPPA BIRADAR,
R/O. PLOT NO. 105, SHAKTI COLONY,
CHITTA CROSS ROAD, BIDAR-585 402.
2. BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD.,
VEERABHADRESHWARA CHAMBERS,
DOOR NO. 8-10-135/1 AND 1A,
OPP. NEHRU STADIUM BIDAR-585 401.
3. MALLINATH S/O GANGADHAR WALI,
AGE: 51 YEARS, OCC: BUSINESS,
R/O. 9-363, SHAH BAZAR,
NOW AT PLOT NO. 10, PASHA,
KAPNOOR INDUSTRIAL AREA, KAPNOOR,
KALABURAGI-585 101.



4. BRANCH MANAGER,
HDFC-ERGO GENERAL INSURANCE CO. LTD.,
1ST FLOOR, VIRUPAKSHAKRUPA,
OPP. KIMS MAIN GATE, R.B. ROAD,
VIDYANAGAR, HUBLI-580 021.

...RESPONDENTS

(BY SRI. DEEPAK V. BARAD, ADV. FOR R2;
SMT. PREETI PATIL MELKUNDI, ADV. FOR R4;
V/O DTD. 14.09.2022, NOTICE TO R1 AND R3 ARE D/W)

THIS MFA IS FILED U/S 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO A) EXERCISE ITS APPELLATE JURISDICTION, CALL FOR THE ENTIRE LOWER COURT RECORDS AND MODIFY THE JUDGEMENT AND AWARD DATE 30.09.2021 PASSED BY THE LEARNED MACT AND ADDL. SENIOR CIVIL JUDGE AT BIDAR IN MVC NO.663/2019 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR. B) TO HOLD BOTH THE RESPONDENTS JOINTLY AND SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION TO THE APPELLANT.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

Though this appeal is listed for admission, with consent of both sides, the same is taken up for hearing.



2. This appeal is filed against the award dated 30.09.2021 passed by the MACT and Additional Senior Civil Judge, Bidar, in MVC No.663 of 2019.

3. The injured claimant, aged 25 years, doing tailoring work, met with an accident on 29.05.2019. She filed claim application claiming compensation of Rs.15,40,000/-. The Tribunal considered the entire evidence on record and granted Rs.2,95,603/- with interest at 9% per annum from date of petition till realisation. As there is involvement of two vehicles, the tribunal fixed liability on respondent Nos.1 and 2, and directed respondent No.2 to deposit the compensation amount within two months from the date of this order.

4. Aggrieved by the said order, the present appeal is filed in which it is contended that meager amount was granted under the head pain and suffering and also for loss of the earnings. The income of the claimant is to be taken as Rs.15,000/- per month. Though P.W.2 has assessed the disability as 22%, the tribunal has taken the disability as 6%. No amount for was granted by the tribunal towards future medical expenses. The grant of amount under the head of loss



of earning during the laid up period, attendant and incidental charges and basic amenities, is also on the lower side. Hence, requested for enhancement in the compensation.

5. Heard the arguments of both sides.

6. The petitioner was aged 25 years at the time of accident occurred on 29.05.2019 and doing tailoring work. But she has not filed any document to prove her income. Hence, as per the guidelines of Karnataka State Legal Services Authority and as she met with accident in the year 2015, the notional income is to be taken at Rs.13,250/- per month and the multiplier applicable is 15.

7. P.W.2-doctor has stated that the claimant sustained monteggia fracture of dislocation for which she underwent wound debridement and suturing and ORIF with plating. P.W.2 also stated that he examined the claimant and found that there is united fracture of left radius and plate inside her. She is having difficulty in lifting heavy objects and difficulty to do weight activities. Accordingly, calculated the permanent disability at 22.2% for the limb. The tribunal considered that



the disability is on higher side and taken the same as 6%. Learned counsel for the respondent-insurance company contended that the doctor is not the person who treated the petitioner, and therefore, the tribunal has rightly assessed the disability at 6%, and it needs no interference.

8. Admittedly, the fracture is united and $\frac{1}{3}^{\text{rd}}$ of 22% disability comes to 7%. Therefore, this Court finds it reasonable to assess the disability as 7%. The claimant was hospitalized for 6 days. Therefore, the loss of future income comes to Rs.1,66,950/- (Rs.13,250x12x15x7%). Medical expenses granted at the rate of Rs.84,003/- needs no interference.

9. Considering the nature of injuries and the period of hospitalization, this Court finds it reasonable to grant an amount of Rs.50,000/- for pain and suffering, Rs.25,000/- for loss of amenities and Rs.30,000/- for transportation, extra nourishment and attendant charges. The claimant might not have attended to any work for a period of four months. Therefore, she is entitled for Rs.53,000/- towards loss of earnings during laid up period. Thus, the total compensation



comes to Rs.4,08,953/- with interest at 6% per annum as against Rs.2,95,603/- awarded by the tribunal.

10. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Future income	1,66,950/-
2. Pain and suffering	50,000/-
3. Loss of amenities	25,000/-
4. Medical expenses	84,003/-
5. Transportation, extra nourishment and attendant charges	30,000/-
6. Loss of earning during the laid up period for 6 months	53,000/-
Total	4,08,953/-

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

- (i) Appeal is allowed in part.
- (ii) The claimant is entitled for the total compensation of Rs.4,08,953/- with interest at 6% per annum Rs.2,95,603/- awarded by the tribunal.



- (iii) Respondent No.2 is directed to deposit the compensation amount within one month from the date of this order.
- (iv) It is submitted that the respondent-insurance company has already deposited Rs.2,95,603/- before the tribunal and therefore, respondent No.2 is directed to deposit the enhanced compensation of Rs.1,13,350/- with interest at 6% per annum within one month of the date of this order.
- (v) On such deposit, the petitioner-claimant is permitted to withdraw the entire amount along with interest accrued thereon.

sd/-
(P SREE SUDHA)
JUDGE

CS
List No.: 1 Sl No.: 54
CT: AK