



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 3190 OF 2023 (MV-I)**

**BETWEEN:**

SRI RAVI @ B.S BASAVARAJU,  
S/O SIDDA MALLAPPA,  
AGED ABOUT 41 YEARS,  
RESIDING AT BOMMALAPURA  
VILLAGE, TERAkanAMBI HOBLI,  
GUNDLUPETE TALUK,  
CHAMARAJANAGARA DISTRICT

PRESENTLY RESIDING AT  
C/O NAVEEN KUMAR,  
MAHADESHWARA NILAYA,  
16<sup>TH</sup> CROSS, V V NAGARA  
KALLAHALLI MANDYA CITY  
MANDYA DISTRICT – 571 401

...APPELLANT

(BY SRI. RAJA L., ADVOCATE)

**AND:**

1. SRI ANAND M  
S/O MARISWAMY  
AGED ABOUT 43 YEARS  
RESIDING AT NO. 108/ 2,  
KALLAHALLI, MANDYA CITY  
MANDYA DISTRICT – 571 401
2. THE BRANCH MANAGER,  
UNITED INDIA INSURANCE  
CO. LTD., (UNITED INDIA INSURANCE  
CO. LTD., KAMBALI BUILDING,  
M.C. ROAD, ASHOK NAGAR,  
MANDYA, MANDYA DISTRICT-571401

...RESPONDENTS





(BY SRI. O MAHESH, ADVOCATE FOR R2  
R1 - SD)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.30.11.2022 PASSED IN MVC NO.783/2019 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, MACT, MANDYA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

This appeal is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 30.11.2022 passed in MVC No.783/2019 by the II Addl.Senior Civil Judge and Member, MACT, Mandya.

2. Even though this appeal is listed for admission, with the consent of learned counsel for appellant and learned counsel for respondent No.2/insurer, it is taken up for final disposal.



3. Appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 14.04.2019 contending that the accident occurred due to rash and negligent driving of the rider of the motor cycle bearing Regn.No.KA-11-EE-1289. The Tribunal after recording the evidence, appreciated the evidence on record and assessed the compensation and awarded compensation under various heads as under:

| <b>Sl.no.</b> | <b>Heads</b>                              | <b>Amount in (Rs.)</b> |
|---------------|-------------------------------------------|------------------------|
| 01.           | Medical expenses                          | 8,000.00               |
| 02.           | Loss of amenities and expectation of life | 15,000.00              |
| 03.           | Pain and suffering                        | 40,000.00              |
| 04.           | Nourishment                               | 25,000.00              |
| 05.           | Loss of income during laid up period      | 28,000.00              |
| 06.           | Future medical expenses                   | 2,000.00               |
| 07.           | Loss of future earnings                   | 1,64,700.00            |
|               | <b>Total</b>                              | <b>2,82,700.00</b>     |

4. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed



respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement has filed the present appeal.

5. Heard the learned counsel for the appellant and learned counsel for respondent No.2/ insurer.

6. Learned counsel for the appellant would contend that the Doctor has stated disability of the claimant @ 21% and the Tribunal has erred in taking 7%. The compensation awarded for pain and suffering, loss of amenities are on lower side. The claimant has been admitted in the hospital for 15 days and therefore, he is entitled to loss of income during laid up period for three months. The claimant has to undergo operation for removal of implants and considering the same, future medical expenses awarded by the Tribunal in a sum of Rs.8,000/- requires to be enhanced. With this, he prayed to allow the appeal.



7. Learned counsel for respondent No.2/insurer would contend that the Doctor has stated 21% disability of the lower limb and considering the same, the Tribunal has taken  $\frac{1}{3}^{\text{rd}}$  of it i.e. 7% as disability to the whole body. The Tribunal has awarded just and fair compensation under all heads and there are no grounds for enhancement. With this he prayed to dismiss the appeal.

8. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records.

9. The Doctor has been examined as CW.1 and the disability certificate is at Ex.C4. CW.1 has stated that claimant is having disability of 21% to the right lower limb and he needs further operation for removal of implants. The percentage of disability stated by the Doctor is with regard to right lower limb and therefore, disability to the whole body is to be taken at  $\frac{1}{3}^{\text{rd}}$  of the said disability to particular limb. Considering the said aspect, the Tribunal has rightly taken disability of 7% to the whole body.



10. The claimant has sustained fracture of right femur with comminution fracture in inferior and superior pubic rami and he was operated for fracture with proximal femoral nail and screws are fixed. The claimant has been admitted in the hospital for 15 days. Considering the said aspect, the compensation awarded for pain and suffering in a sum of Rs.40,000/- by the Tribunal requires to be enhanced to Rs.50,000/- and compensation awarded for loss of amenities in a sum of Rs.15,000/- requires to be enhanced to Rs.25,000/-. The claimant has been admitted in the hospital for 15 days and considering the injuries and fractures, the claimant has to take rest atleast for a period of three months and therefore, he is entitled to loss of income during laid up period for a period of three months in a sum of Rs.42,000/- (Rs.14,000/- x 3 months) as against Rs.28,000/- awarded by the Tribunal. The Tribunal has rightly awarded Rs.8,000/- towards medical expenses and Rs.25,000/- towards nourishment.



11. The Doctor/CW.1 has stated that the claimant has to undergo operation for removal of implants. Considering the said aspect, the claimant is entitled to future medical expenses in a sum of Rs.20,000/- as against Rs.2,000/- awarded by the Tribunal.

12. In view of the above, the claimant is entitled to total compensation under various heads as under:

| Sl.no. | Heads                                     | Amount in (Rs.)    |
|--------|-------------------------------------------|--------------------|
| 01.    | Medical expenses                          | 8,000.00           |
| 02.    | Loss of amenities and expectation of life | 25,000.00          |
| 03.    | Pain and suffering                        | 50,000.00          |
| 04.    | Nourishment                               | 25,000.00          |
| 05.    | Loss of income during laid up period      | 42,000.00          |
| 06.    | Future medical expenses                   | 20,000.00          |
| 07.    | Loss of future earnings                   | 1,64,700.00        |
|        | <b>Total</b>                              | <b>3,34,700.00</b> |

13. The claimant is entitled to total compensation of Rs.3,34,700/- as against Rs.2,82,700/- as awarded by the



Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.52,000/- (Rs.3,34,000 – 2,82,700) with interest @ 6% p.a. from the date of petition till realization. Respondent No.2 / insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant/claimant is entitled to enhanced compensation of **Rs.52,000/-** with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the said enhanced amount with interest within a period of six weeks from this day, failing which, it is liable to pay interest @ 9% p.a. from this day till payment of enhanced compensation amount.



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- iv) The claimant is entitled to release of entire enhanced compensation.

**Sd/-**  
**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

DKB  
List No.: 1 SI No.: 40