

Krishnappa vs Nagesh.P

Krishnappa vs Nagesh.P

SooperKanoon Citation : sooperkanoon.com/1556916

Court : Karnataka

Decided On : Jun-11-2026

Judge : P Sree Sudha

Appeal No. : MFA/9762/2013

Appellant : Krishnappa

Respondent : Nagesh.P

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026 BEFORE THE HON'BLE MRS. JUSTICE P SREE SUDHA MISCELLANEOUS FIRST APPEAL NO.9762 OF 2013 (MV-I) BETWEEN: KRISHNAPPA S/O RAMAPPA AGED ABOUT 25 YEARS R/O HONENAHALLI VILLAGE HARPANAHALLI TALUK, DAVANAGERE DISTRICT - 583 131. APPELLANT (BY SMT. RUKMINI S., ADVOCATE FOR SRI. M.R. HIREMATHAD, ADVOCATE) AND:

1. NAGESH.P

S/O VENKATESH P Digitally signed by AGED ABOUT 22 YEARS PADMASHREE DRIVER OF TRACTOR TRAILOR BEARING SHEKHAR DESAI REG. NO. KA-17-TQ-9434, KA-17-TB-630 Location: High Court of R/O JAMBULINGANAHALLI VILLAGE Karnataka HARAPANAHALLI TALUK DAVANAGERE DISTRICT - 583 127.

2. B. RAMARAO S/O STAYAM MAJOR, OWNER OF TRACTOR TRAILOR BEARING REG. NO.KA-17/TA-9434 TRAILOR REG NO. KA-17-TB-630 R/O DOOR NO.314, 1st CROSS -2- "C" BLOCK, DEVARAJ URS LAYOUT DAVANAGERE - 577 004.

3. THE DIVISIONAL MANAGER THE NEW INDIA ASSURANCE CO. LTD., DIVISIONAL OFFICE, A.M. ARCADE C.G. HOSPITAL ROAD, DAVANAGERE - 577 001. RESPONDENTS (BY SRI. SRISHAILA, ADVOCATE FOR R3; VIDE ORDER DATED 04.12.2020, NOTICE TO R1 AND R2 IS DISPENSED WITH) THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE

JUDGMENT AND AWARD DATED 26.2.2013 PASSED IN MVC

NO.835/2012 ON THE FILE OF THE 3RD ADDL.SENIOR CIVIL JUDGE & MACT, DAVANGERE, 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 -3-

ORAL JUDGMENT

Learned counsel for the petitioner is present. Learned counsel for the respondent is absent.

2. As this appeal pertains to the year 2013. Heard the arguments advanced by the learned counsel for the appellant and proceeded to dispose of the matter.

3. This appeal is filed by the appellant/claimant

under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 26.02.2013 passed in MVC No.835/2012, by the Court of the III Additional Senior Civil Judge and Motor Accident Claims Tribunal, Davangere, (hereinafter referred to as 'the Tribunal' for short) seeking enhancement of compensation.

4. The injured claimant met with a road traffic accident on 06.01.2012 and filed a claim petition seeking compensation of Rs.8,80,000/-. The Tribunal, after considering the oral and documentary evidence on record, awarded a total compensation of Rs.1,90,000/- with -4- interest at the rate of 6% per annum from the date of petition till realization.

5. Aggrieved by the said award, the appellant preferred the present appeal contending that he was aged 25 years, engaged in contract work and earning Rs.10,000/- per month. He sustained grievous injuries and

was admitted in the hospital as an inpatient from 06.01.2012 to 14.02.2012. He also underwent surgery on 31.01.2012. He spent more than Rs.80,000/- towards medical expenses and nourishment. The Tribunal awarded meager amount of compensation and interest ought to have been granted at the rate of 12% per annum.

6. PW.2, the doctor, assessed the functional

disability of the right leg at 35% and contended that the amounts awarded by the Tribunal under various heads were meager. There was a shortening of the limb by 2 inches and the claimant underwent treatment as an inpatient for 40 days, as evidenced by the medical records. Therefore, requested for enhancement of compensation.

-5-

7. Though the appellant stated that he was earning

Rs.10,000/- per month, he has not produced any documentary proof of his income. Since the accident occurred in the year 2012, this Court finds it just and reasonable to take his notional income as Rs.7,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. The appellant was aged 25 years and the applicable multiplier is '18'.

8. The appellant produced Ex.P.7 wound certificate, Ex.P.9 disability certificate and Ex.P.10 discharge card and also examined the doctor as PW-2.

9. He stated that the appellant underwent surgery

for the fracture of right leg and that the fractured bone had united completely. He stated that there is 25% disability to the right limb and 10% disability to the right upper limb, making the total disability at 35%. As there is shortening of the limb by 2 inches, the Tribunal has rightly taken the disability at 13%, and this Court finds no reason to interfere with the same. Accordingly, the loss of future earning

-6- capacity comes to $\text{Rs.7,000/-} \times 12 \times 18 \times 13\% = \text{Rs.1,96,560/-}$.

10. The appellant was admitted in the hospital for a

period of 40 days. Considering the nature of injuries, the period of hospitalization, his occupation and other relevant factors, this Court finds it just and reasonable to grant an amount of Rs.60,000/- towards pain and suffering, Rs.30,000/- towards loss of amenities and Rs.30,000/- towards transportation, extra nourishment and attendant charges.

11. The appellant has produced medical bills at Exs.P.12, P.18 to P.27 and P.29 amounting to Rs.10,650/-. Accordingly, the said amount is granted towards medical expenses.

12. The appellant might not have attended any other work at least for period of 4 months. Therefore, Rs.28,000/- ($\text{Rs.7,000/-} \times 4 \text{ months}$) is to be granted under the head loss of income during laid-up period. -7-

13. Thus, the compensation awarded by this Court is as follows:

Particulars Amount in Rs. Loss of future earning 1,96,560.00 capacity Pain and suffering 60,000.00 Loss of amenities 30,000.00 Transportation, extra 30,000.00 nourishment and attendant charges Medical bills 10,650.00 Loss of income during laid 28,000.00 up period Total 3,55,210.00

14. In summary, the appellant/claimant is entitled to

a total compensation of Rs.3,55,210/- as against Rs.1,90,000/- awarded by the Tribunal. The enhanced compensation works out to Rs.1,65,210/-. To this extent, the award passed by the Tribunal is modified.

15. In the result, pass the following: -8-

ORDER

i. The appeal is allowed in part. ii. The judgment and award dated 26.02.2013 passed in MVC No.835/2012, by the Court of the III Additional Senior Civil Judge and Motor Accident Claims Tribunal, Davangere, is hereby modified; iii. The appellant-claimant is entitled to enhanced compensation of Rs.1,65,210/- with interest at the rate of 6% per annum from the date of petition till its realization. iv. Respondent/Insurance Company has already deposited the awarded amount before the Tribunal and directed to deposit enhanced compensation of Rs.1,65,210/- with interest rate of 6% within one month from the release of such deposit. -9-

v. On such deposit, the appellant/claimant is permitted to withdraw the entire amount along with interest accrued on it. vi. The appellant is not entitled for interest for 176 days delay period as per order in I.A.No.1/2013 dated 21.11.2014.

Sd/- (P SREE SUDHA) JUDGE TMP List No.: 1 SI No.: 27

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com