

**Krishnamurthy vs Krishna D T**

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**SooperKanoon Citation :** [sooperkanoon.com/1726153](https://sooperkanoon.com/1726153)

**Court :** Karnataka

**Decided On :** Oct-31-2025

**Judge :** Lalitha Kanneganti

**Appeal No. :** MFA/4552/2024

**Appellant :** Krishnamurthy

**Respondent :** Krishna D T

**Judgement :**

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025 BEFORE THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI MISCELLANEOUS FIRST APPEAL NO.4552 OF 2024(MV-I) BETWEEN: KRISHNAMURTHY, S/O. SOMASHETTY, AGE ABOUT 39 YEARS, R/AT TARIKALLU, DHARMAPURA POST, BILIKERE HOBLI, HUNSUR TQ, MYSURU DISTRICT-571189. APPELLANT (BY SRI. SYED ABDUL SABOOR, ADVOCATE)

Digitally signed by MEGHA AND: MOHAN Location: 1. KRISHNA D. T., HIGH COURT OF KARNATAKA S/O THIMMABOVI, AGED 29 YEARS, R/AT

DEVALAPURA, KRIMUDDANAHALLI POST, BILIKERE HOBLI, HUNSUR TQ, -2-  
MYSURU DISTRICT 571189.

2. MANAGER, HDFC ERGO INSURANCE CO. LTD., BRANCH OFFICE  
MAHARAJA COMPLEX, OPP TO SUBURB BUS STAND, NAZARBAD,  
BENGALURU NEELAGIRI ROAD, MYSURU 570010. RESPONDENTS (BY SRI.  
B. PRADEEP, ADVOCATE FOR R2; NOTICE TO RESPONDENT NO.1 IS  
DISPENSED WITH V/O/DATED 10.09.2025) THIS MFA IS FILED U/S 173(1) OF  
MV ACT AGAINST THE

## **JUDGMENT AND AWARD DATED 21.10.2023 PASSED IN MVC**

NO.688/2022 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL  
CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS  
TRIBUNAL, MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR  
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. THIS  
APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS  
DELIVERED THEREIN AS UNDER: CORAM: HON'BLE SMT. JUSTICE LALITHA  
KANNEGANTI -3-

## **ORAL JUDGMENT**

Aggrieved by award passed in MVC.No.688/2022 dated 21.10.2023 by the Judge,  
Addl. Court of Small Causes and MACT, Mysuru, whereby the Tribunal had  
awarded the compensation of an amount of Rs.4,65,500/-, the claimant is before  
this Court seeking enhancement of the compensation.

2. The claim petition is filed seeking compensation of

an amount of Rs.31,00,000/- for the injuries sustained by the claimant in the road  
traffic accident. It is the case of the claimants that on 23.04.2022 at about 2.45  
pm., when he was proceeding on his bike at moderate speed on the left side of the  
road, at that time, the driver of goods auto drove the same with high speed in rash  
and negligent manner, dashed against the claimants bike and caused accident.  
Due to the impact of accident, the claimant fell down and sustained grievous

injuries to his head, face, nose and other injuries all over the body. Immediately, he was shifted to General Hospital, Hunsur for first aid and thereafter, treated as inpatient at K.R. Hospital, Mysuru and Soukhya Hospital, Mysuru. Basing on the evidence, the Tribunal had awarded the compensation as per the table given below:

-4- Sl. Heads of Compensation Amount granted No.

1. Loss of earnings during Rs. 90,000/- treatment (laid up period)
2. Damages for pain, suffering Rs. 1,00,000/- and trauma as a consequence of this injuries
3. Loss of amenities Rs. 50,000/-
4. Transportation, nourishment, Rs. 25,000/- attendant and Miscellaneous expenditure
5. Expenses relating to Rs. 1,80,500/- treatment, hospitalization and medication
6. Future medical expenses Rs. 20,000/- Total Rs. 4,65,500/-

3. Learned counsel appearing for the claimant submits

that according to the doctor, when the claimant had sustained 34% permanent disability and 3% disability to the face, the Tribunal ought to have considered the future loss of income. It is submitted that even under the other heads also the compensation amount that is awarded by the Tribunal is not just and reasonable and the same needs to be enhanced.

4. Learned counsel appearing for respondent No.2/

Insurance Company submits that the Tribunal had not granted any amount under the head of future loss of income because the injuries to the face would not have any impact on his -5- income and the Tribunal had rightly considered and awarded the compensation. It is submitted that the Tribunal had not considered the future loss of income, on all other counts the Tribunal had granted exorbitant amounts

and no interference is called for.

5. Having heard the learned counsels on either side,

perused the material on record. The claimant had sustained abraded wounds over lips and scalp (left occipital region), injuries at angle of mandible and nasal septum. The doctor had opined that the claimant was evaluated and underwent CT scan for facial bones and diagnosed with fracture of bilateral nasal bone, left angle and body of mandible comminuted fracture, fracture of left parietal and outer wall of the frontal bone. On 27.04.2022, the claimant underwent surgery for ORIF with plate and screw for fracture of left angle and body of mandible, suturing of lip, scalp laceration by plastic surgeon, nasal bone fracture reduction and then discharged on 04.05.2022. The Tribunal had not considered the future loss of income. Considering the judgment of the Honble Apex Court in the case

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of Rajkumar v. Ajaykumar and another<sup>1</sup> wherein the Hon'ble Apex Court had observed that the doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal in reference to the evidence entirety. Considering the same, the Tribunal had held that the claimant is not entitled for any compensation under the head of loss of future income. This Court had perused the injuries that are sustained by the claimant. There is an injury to the nasal bone and facial bones, which would have an impact on the day to day life, which will consequentially have an impact on the person's earning capacity. In those circumstances, this Court is inclined to take

an amount of  $(15,500 \times 12 \times 15 \times 11 / 100) = \text{Rs.} 3,06,900/-$  towards loss of future income. Under the head of pain and suffering, this Court is granting an amount of Rs.60,000/-. Towards loss of income during the laid up period, this Court is granting an amount of  $(15,500 \times 4) = \text{Rs.} 62,000/-$ .

(2011) 1 SCC 343 -7-

Towards loss of amenities this Court is granting an amount of Rs.50,000/-. As the claimant was there in hospital for 10 days, towards incidental expenses this Court is granting an amount of Rs.10,000/-. Towards medical expenses the Tribunal had rightly granted the compensation amount and this Court is not interfering with the same. Considering the surgery that the claimant has to undergo further, this Court is granting an amount of Rs.40,000/- towards future medical expenses.

6. In the light of the law laid down by the Hon'ble Supreme Court in the case of V. Mekala vs. M. Malathi and Another<sup>2</sup>, the claimant is entitled for an amount of Rs.10,000/- towards legal expenses.

7. The claimant is therefore, entitled to the compensation under the following heads: Sl. Heads of Amount granted Amount No. Compensation by the Tribunal granted by this Court

1. Loss of earnings during Rs. 90,000/- 62,000/- treatment (laid up period)

2. Damages for pain, Rs. 1,00,000/- 60,000/-

(2014) 11 SCC 178 -8- suffering and trauma as a consequence of this injuries

3. Loss of amenities Rs. 50,000/- 50,000/-

4. Transportation, Rs. 25,000/- 10,000/- nourishment, attendant and Miscellaneous expenditure

5. Expenses relating to Rs. 1,80,500/- 1,80,500/- treatment, hospitalization and medication

6. Future medical Rs. 20,000/- 40,000/- expenses

7. Loss of future income Rs. 00/- 3,06,900/-

8. Legal expenses Rs. 00/- 10,000/- Total Rs. 4,65,500/- 7,19,400/- Enhanced amount Rs. 2,53,900/-

8. Altogether, the claimant is entitled for the compensation of an amount of Rs.7,19,400/-.

9. Accordingly, the appeal filed by the claimant is

partly allowed by enhancing the compensation from an amount of Rs.4,65,500/- to Rs.7,19,400/- and the Insurance Company is liable to pay the compensation amount. i) The enhanced amount shall carry interest at 6% per annum from the date of petition till the date of realization. ii) Respondent No.2/Insurance Company shall pay the compensation. -9-

iii) Respondent No.2/Insurance Company shall deposit the amount within a period of eight weeks from the date of receipt of copy of the judgment. On such deposit, the claimant is entitled to withdraw the entire amount. iv) On 10.09.2025, the delay of 139 days is condoned on the condition that the claimant will not be entitled for the interest, in case of enhancement. Hence, Insurance Company is not liable to pay the interest for the delayed period. v) No costs. vi) Pending miscellaneous petitions, if any, shall stand closed.

Sd/- \_\_\_\_\_ JUSTICE LALITHA KANNEGANTI BN List  
No.: 2 Sl No.: 9

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