



CNR: KAHC010002592026

NC: 2026:KHC:44011
MFA No. 55 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 55 OF 2026 (MV-I)

BETWEEN:

RAVI
AGED ABOUT 55 YEARS
S/O TUKRA POOJARY
R/O NO 11-44, NAGESH NIVAS,
NEAR COASTAL ICE PLANT,
UDYAVARA, PITHRODI,
UDUPI - 574 118.

...APPELLANT

(BY SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. VEENA M BHAT
AGE ABOUT 54 YEARS,
W/O MURALIDHAR BHAT
R/AT No. 2-320 ,
BHOOMIKA KORANGRAPADY POST,
MARPALLI UDUPI - 574 118.

2. THE DIVISIONAL MANAGER
IFFCO TOKYO GENERAL INS. CO. LTD,M
DIVISIONAL OFFICE, 3RD FLOOR,
LALBAGH TOWER BALLALBAGH, M G ROAD,
MANGALORE - 575 003.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
NOTICE TO R1-D/W)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:44011
MFA No. 55 of 2026

CNR: KAHC010002592026

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:4.11.2025 PASSED IN MVC No.545/2024 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, ADDITIONAL MACT, UDUPI, 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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 04.11.2025 passed in MVC No. 545/2024 by the Principal Senior Civil Judge and CJM, Udupi.

2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for 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



NC: 2026:KHC:44011
MFA No. 55 of 2026

CNR: KAHC010002592026

28.01.2024 due to the rash and negligent driving by the driver of car bearing registration No. KA-20-MC-4261. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	Rs.50,000/-
02.	Medical expenses	Rs.2,65,315/-
03.	Loss of income during laid up period	Rs.33,000/-
04.	Food, conveyance, attendant charges	Rs.10,000/-
05.	Disability	Rs.2,17,800/-
06.	Future medical expenses	Rs.80,000/-
	TOTAL	Rs.6,56,115/-

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant



CNR: KAHC010002592026

seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant would contend that claimant had sustained lacerated wound left thigh lateral aspect of left leg and type 1 compound comminuted fracture femur left and comminuted fracture both bones left leg. Considering the same compensation awarded by the Tribunal towards 'pain and suffering' is on lower side. The Tribunal has not awarded compensation towards 'loss of amenities'. P.W.2 – Doctor who examined the claimant has assessed the disability sustained by the claimant at 31.19% disability to the left lower limb and 10% to the whole body. Since the fractures are non-united disability is to be taken on higher side. The Tribunal has taken the notional income of the claimant at Rs.16,500/-, but, as per the chart prepared by the Karnataka State Legal Services



CNR: KAHC010002592026

NC: 2026:KHC:44011
MFA No. 55 of 2026

Authority notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken. Considering the injuries sustained, claimant had to take rest for at-least 3 months and he is entitled to income during laid up period for a period of 3 months. Claimant was admitted in the hospital for 11 days and therefore compensation awarded by the Tribunal towards attendant, food and conveyance charges is on lower side. P.W.2 – Doctor has stated that since the fractures are not-united, claimant has to undergo bone drafting and estimated cost for the same is Rs.1,30,000/-, but, the Tribunal has awarded Rs.80,000/- towards future medical expenses. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Tribunal considering the evidence of PW.2 – Doctor has rightly taken the disability at 10%. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



CNR: KAHC010002592026

8. Having heard the learned counsels, the Court has perused the judgment, award and copy of Ex.P10, disability certificate made available by the learned counsel for the appellant.

9. As per Ex.P10, the claimant has sustained the following injuries:

Type I compound comminuted fracture femur left

Comminuted fracture both bones left leg.

10. Considering the said injuries sustained, the compensation awarded towards pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.90,000/-. The Tribunal has not awarded loss of amenities. Therefore, the claimant is entitled to loss of amenities in a sum of Rs.50,000/-. The claimant has been admitted in the hospital for a period of 11 days and therefore, he is entitled to food, attendant and conveyance charges in a sum of Rs.11,000/- (Rs.1000 x 11 days) as against Rs.10,000/- awarded by the Tribunal.



CNR: KAHC010002592026

11. PW.2 is the Doctor and he has stated that claimant has sustained 31.19% disability to the left lower limb and disability to the whole body is 10%. Considering the said evidence the Tribunal has rightly taken the disability at 10%. The Tribunal has taken notional income of the claimant at Rs.16,500/- As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- and the same is to be taken. The Tribunal has rightly applied multiplier '11'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.17,000} \times 12 \times 11 \times 10\% = \text{Rs.2,24,400/-}$$

12. PW.2 – Doctor has stated that since the fractures are non united, the claimant needs bone grafting which will cost around Rs.1,30,000/-. Considering the said aspects, the compensation awarded towards loss of future medical expenses in a sum of Rs.80,000/- by the Tribunal requires to be enhanced to Rs.1,00,000/-.



CNR: KAHC010002592026

NC: 2026:KHC:44011
MFA No. 55 of 2026

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	2,24,400/-
02.	Pain and suffering	90,000/-
03.	Medical expenses	2,65,315/-
04.	Loss of income during laid up period	51,000/-
05.	Attendant and conveyance charges	11,000/-
06.	Loss of amenities	50,000/-
07.	Future medical expenses	1,00,000/-
	Total	7,91,715/-

14. Considering the above aspects, the claimant is entitled to total compensation of Rs.7,91,715/- as against Rs.6,56,115/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,35,600/- 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.

15. In view of the above, the following:



**NC: 2026:KHC:44011
MFA No. 55 of 2026**

CNR: KAHC010002592026

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,35,600/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

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

LRS
List No.: 1 Sl No.: 35
Ct.sm