



CNR: KAHC010003462026

NC: 2026:KHC:47037  
MFA No. 58 of 2026

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

**DATED THIS THE 29<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

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

**MISCELLANEOUS FIRST APPEAL NO. 58 OF 2026 (MV-I)**

**BETWEEN:**

SHRI. R SRUJAN  
AGED ABOUT 20 YEARS,  
S/O S.RAVI,  
RESIDENT OF ARISINAGUPPE VILLAGE,  
MAVINAHALL, MALLENAHALLI POST,  
CHIKKAMAGALURU TALUK,  
CHIKKAMAGALURU DISTRICT.

...APPELLANT

(BY SRI. VENKATE GOWDA K., ADVOCATE)

**AND:**

1. SRI. KOTRESH NAIKA  
AGED ABOUT 36 YEARS,  
S/O BHEEMA NAIKA,  
R/O MALLENAHALLI VILLAGE AND POST,  
CHIKKAMAGALURU TALUK,  
CHIKKAMAGALURU DISTRICT - 577 101.
2. SRI RAJU.H.G.  
S/O LATE GANESH,  
AGED ABOUT 34 YEARS,  
DRIVER,  
R/O MALLENAHALLI VILLAGE AND POST,  
CHIKKAMAGALURU TALUK,  
CHIKKAMAGALURU DISTRICT - 577 101.
3. SRI SATHISH B.N.  
AGED ABOUT 35 YEARS,

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



**NC: 2026:KHC:47037**  
**MFA No. 58 of 2026**

**CNR: KAHC010003462026**

S/O LATE VELAUDHAN,  
R/O MALLENAHALLI VILLAGE AND POST,  
CHIKKAMAGALURU TALUK,  
CHIKKAMAGALURU DISTRICT - 577 101.

4. THE MANAGER,  
ORIENTAL INSURANCE CO. LTD.,  
NAG NIRMAL COMPLEX,  
OPP: RANGANNA CHOULTRY,  
BASAVANAHALLI MAIN ROAD,  
CHIKKAMAGALURU,  
CHIKKAMAGALURU - 577 101.

...RESPONDENTS

(BY SRI. H.C. VRUSHABHENDRAIAH, ADVOCATE FOR R4;  
VIDE ORDER DATED 08.01.2026, NOTICE TO R1 TO R3 IS  
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 25.07.2025 PASSED IN MVC  
NO.269/2024 ON THE FILE OF THE I ADDITIONAL SENIOR  
JUDGE AND JMFC, MACT, CHIKKAMAGALURU PARTLY  
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND  
SEEKING ENHANCEMENT OF COMPENSATION AND SET-ASIDE  
THE CONTRIBUTORY NEGLIGENCE.

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



**CNR: KAHC010003462026**

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

**ORAL JUDGMENT**

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 25.07.2025 passed in MVC No.269/2024 by I Additional Senior Civil Judge and MACT, Chikkamagaluru.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.4/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 29.12.2023 contending that the accident occurred due to rash and negligent driving by the driver of Tractor-Trailor bearing registration No.KA-46-T-2186 and KA-18-TB-4160.



CNR: KAHC010003462026

NC: 2026:KHC:47037  
MFA No. 58 of 2026

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

| Sl. No. | Particulars                                               | Amount                |
|---------|-----------------------------------------------------------|-----------------------|
| 1.      | Pain and sufferings                                       | Rs. 70,000/-          |
| 2.      | Medical expenses                                          | Rs. 5,000/-           |
| 3.      | Nourishment, Conveyance and attendant charges             | Rs. 10,000/-          |
| 4.      | Towards loss of future income due to permanent disability | Rs. 3,88,800/-        |
| 5.      | Towards future medical expenses                           | 10,000/-              |
| 6.      | Towards loss of amenities of life.                        | 10,000/-              |
|         | <b>Total</b>                                              | <b>Rs. 4,93,800/-</b> |

5. The Tribunal held that the rider of motorcycle has also contributed to the accident and assessed his contributory negligence at 20%. The Tribunal has deducted 20% of Rs.4,93,800/- and awarded Rs.3,95,040/- round off to Rs.3,95,100/- with interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.4/insurer to pay



the compensation awarded with interest. The appellant/claimant challenging the said deduction of 20% of the compensation assessed and seeking enhancement of compensation has filed the present appeal.

6. Heard the learned counsel for appellant and learned counsel for respondent No.4/insurer.

7. Learned counsel for the appellant would contend that, the claimant was a pillion rider on the motorcycle and he has not contributed to the accident and therefore, deduction at 20% which is contributory negligence of the rider of the motorcycle by the Tribunal is not proper. He further submits that, the Tribunal has rightly taken the disability at 12% and applied multiplier '18'. The notional income fixed by the Karnataka State Legal Services Authority for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. He also submits that, the compensation awarded towards loss of amenities,



**CNR: KAHC010003462026**

attendant and conveyance charges and future medical expenses are on lower side. The Tribunal has not awarded loss of income during laid up period. With these, he prayed to allow the appeal.

8. Learned counsel for the respondent No.4/insurer would contend that, the disability taken by the Tribunal is on higher side. The compensation awarded on all heads is just and proper and there are no grounds for enhancement. The Tribunal has rightly deducted 20% in the compensation assessed since there is a contributory negligence on the part of the rider of the motorcycle. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.4/insurer, the Court has perused the impugned Judgment and Award.

10. The claimant was a pillion rider on the motorcycle bearing registration No.KA-16-EL-2669. The



**CNR: KAHC010003462026**

Tribunal gave finding that the rider of the motorcycle has also contributed to the accident to the extent of 20%. Since the claimant being a pillion rider has not contributed to the accident. Therefore, the deduction of compensation at 20% by the Tribunal is not proper. The claimant is entitled to total compensation assessed by the Tribunal.

11. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly taken the disability at 12% and applied multiplier '18' since the claimant was aged nineteen (19) years. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 18 \times 12\% = \text{Rs.4,21,200/-}$$

12. The claimant has sustained fracture of left femur and other simple injuries. Considering the said aspect, the compensation awarded towards pain and sufferings is proper. The claimant is entitled to loss of



**CNR: KAHC010003462026**

amenities in a sum of Rs.25,000/- as against Rs.10,000/- awarded by the Tribunal. The claimant has been admitted in hospital for sixteen (16) days and therefore, he is entitled to attendant and conveyance charges in a sum of Rs.16,000/- (Rs.1,000/- X 16 days) as against Rs.10,000/- awarded by the Tribunal. P.W.2 - Doctor 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.30,000/- as against Rs.10,000/- awarded by the Tribunal. The Tribunal has not awarded loss of income during laid up period. Therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- X 03 months).

13. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:



CNR: KAHC010003462026

NC: 2026:KHC:47037  
MFA No. 58 of 2026

| Sl. No. | Particulars                          | Amount                |
|---------|--------------------------------------|-----------------------|
| 1.      | Pain and sufferings                  | Rs. 70,000/-          |
| 2.      | Loss of amenities                    | Rs. 25,000/-          |
| 3.      | Medical expenses                     | Rs. 5,000/-           |
| 4.      | Attendant and conveyance charges     | Rs. 16,000/-          |
| 5.      | Future medical expenses              | Rs. 30,000/-          |
| 6.      | Loss of income during laid up period | Rs. 48,750/-          |
| 7.      | Loss of future income                | Rs. 4,21,200/-        |
|         | <b>Total</b>                         | <b>Rs. 6,15,950/-</b> |

14. The claimants are entitled to total compensation of Rs.6,15,950/- as against Rs.3,95,100/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.2,20,850/- (Rs.6,15,950/- - Rs.3,95,100/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.4/insurer is liable to pay the said enhanced compensation amount with interest.

17. In view of the above, the following:



CNR: KAHC010003462026

NC: 2026:KHC:47037  
MFA No. 58 of 2026

**ORDER**

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.2,20,850/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.4/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

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