



CNR: KAHC010006392026

NC: 2026:KHC:48339
MFA No. 75 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 75 OF 2026 (MV-I)

BETWEEN:

SRI MUDDAPPA
S/O. MADALIAH
AGED 59 YEARS
R/AT No.211
AMBEDKARNAGARA
NEAR SYNDICATE BANK
DODDAKALLASANDRA
BANGALORE SOUTH
BANGALORE-560 062.

...APPELLANT

(BY SRI NITHYA ABHILASH, ADVOCATE FOR
SRI PRAKASH M H, ADVOCATE)

AND:

1. SRI SOURABH BISWAS
S/O. SHANKAR CHANDRA BISWAS
AGE MAJOR
R/ATJAIN GLOBAL CAMPUS
RASHTHE JAKKASANDRA VILLAGE
HAROHALLI TALUK, RAMANAGARA
BANGALORE SOUTH DISTRICT -562 112.
2. CHOLA MS GEN. INS. CO. LTD
OFFICE AT UNIT NO.04, 9TH FLOOR
LEVEL-06, GOLDEN HEIGHTS COMPLEX
59TH C CROSS ROAD, 4TH M BLOCK

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



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INDUSTRIAL SUBURB, RAJAJINAGAR
BANGALORE-560 001.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI H C BETSUR, ADVOCATE FOR R2
V/O DTD. 09.01.2026 NOTICE TOR1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:08.09.2025
PASSED IN MVC No.3904/2024 ON THE FILE OF THE VIII
ADDITIONAL JUDGE COURT OF SMALL CAUSES AND ACJM,
BENGALURU SCCH-5, 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

This appeal is filed by the appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 08.09.2025 passed in MVC No.3904/2024 by
the VIII Additional Judge, Court of Small Causes and
Member, MACT, Bengaluru (SCCH-5).

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.2/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 06.05.2024 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-05-LD-9725. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	1,78,200/-
02.	Pain and suffering	25,000/-
03.	Conveyance, nourishment and attendant charges	15,000/-
04.	Medical expenses	2,51,507/-
05.	Loss of amenities in life	15,000/-
06.	Loss of income during laid up period	49,500/-
	Total	5,34,207/-

4. The Tribunal 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 of compensation has filed the present appeal.

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

6. The accident occurred on 06.05.2024 and as on the date of accident, the claimant was aged 58 years. As the claimant has not proved his income, the Tribunal has taken the notional income. The accident occurred in the year 2024 and notional income fixed for the year 2024 is Rs.17,000/-p.m. and the same is to be taken as against Rs.16,500/- taken by the Tribunal. Considering the age of the claimant, the Tribunal has rightly applied multiplier '9'. The claimant has sustained head injury. PW.2 is the Doctor who has assessed the disability and stated that the claimant is having neuro disability pertaining to cognition at 10%. Considering the said evidence, the Tribunal has rightly taken the functional disability at 10%. In view of



the above, the loss of future income is calculated as under:

$$\text{Rs.}17,000 \times 12 \times 9 \times 10\% = \text{Rs.}1,83,600/-$$

7. The claimant has sustained laceration wound over right parietal region, multiple abrasions over B/L cloner limbs, closed head injury with right MCA territory infarct as per Ex.P5 – wound certificate and Ex.P9 – discharge summary. Considering the injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.25,000/- is enhanced to Rs.50,000/- and loss of amenities in a sum of Rs.15,000/- is enhanced to Rs.35,000/-. The claimant has been admitted in the hospital for 10 days. Considering the same, the Tribunal has rightly awarded attendant, conveyance charges and also the medical expenses. The Tribunal has awarded loss of income during laid up period for three months. As now the income is taken at Rs.17,000/- p.m., the claimant is entitled to loss of income



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during laid up period in a sum Rs.51,000/- (Rs.17,000 x 3 months) as against Rs.49,500/- awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Loss of amenities	35,000/-
03.	Attendant and conveyance charges	15,000/-
04.	Medical expenses	2,51,507/-
05.	Loss of income during laid up period	51,000/-
06.	Loss of future income	1,83,600/-
	Total	5,86,107/-

9. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,86,107/- as against Rs.5,34,207/- 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.51,900/- 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.



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10. 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.51,900/- 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**

DKB
List No.: 1 Sl No.: 52
Ct.sm