



CNR: KAHC010011192025

NC: 2026:KHC:48338
MFA No. 229 of 2025

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. 229 OF 2025 (MV-I)

BETWEEN:

DHARMAPPA
S/O LATE DEVAIAH, 51 YEARS.
R/O HAROHALLI VILLAGE
BEMVBALURU POST, KODLIPETE HOBLI
SOMAVARAPETE TALUK
PRESENTLY R/AT SOWMYA CHANAKESHA ILAYA
HEMAVATHINAGARA MAIN ROAD
SARASWATHIPURAM
HASSAN - 573 201.

...APPELLANT

(BY SMT. SHARADAMBA A R, ADVOCATE)

AND:

1. N B LOKESH
S/O C. BASAVARAJAPPA, R.R.S.
SPICES_BOARD, DONIGAL
SAKALESH PURA TALUK
HASSAN DISTRICT- 573 211.
2. THE MANAGER
NATIONAL INSURANCE COMPANY LTD.,
MANJUNATHA COMPLEX
OLD BUS STAND ROAD
HASSAN - 573 201.

...RESPONDENTS

(BY SRI C SHANKAR REDDY, ADVOCATE FOR R2)

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



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R1 -SERVED OF NOTICE IS DISPENSED WITH
V/O DTD. 10.03.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:21.09.2024 PASSED IN MVC No.1961/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, MACT HASSAN, 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 21.09.2024 passed in MVC No.1961/2021 by the Additional Senior Civil Judge and Member, Additional MACT, Hassan.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No2/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 16.04.2020 contending that the accident occurred due to rash and negligent driving of the rider of bike bearing Regn.No.KA-13-Q-4061. 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	1,31,040/-
02.	Medical expenses	20,648/-
03.	Pain and suffering	80,000/-
04.	Loss of amenities	40,000/-
05.	Loss of income during laid down period	84,000/-
06.	Food, nourishment and conveyance	30,000/-
	Total	3,85,688/-

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 16.04.2020 and as on the date of accident, the claimant was aged 46 years, doing agriculture work and mason. Since the income proof is not produced, the notional income is to be taken into consideration. The notional income fixed for the year 2020 is Rs.14,500/- p.m. and that is to be taken as against Rs.14,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier '13'. PW.2 is the Doctor who has stated that the claimant has sustained disability at 18% to the right lower limb and considering the same, the Tribunal has rightly taken the disability at 6% to the whole body. Considering the said aspect, the loss of future income is calculated as under:

$$\text{Rs.14,500} \times 12 \times 13 \times 6 = \text{Rs.1,35,720/-}$$



7. The claimant has sustained fracture of both bones of right leg and other simple injuries. Considering the same, the Tribunal has rightly awarded Rs.80,000/- towards pain and suffering. Considering the said injuries and the avocation of the claimant, loss of amenities awarded by the Tribunal in a sum of Rs.40,000/- is enhanced to Rs.60,000/-. On perusal of the records, it indicate that the claimant has been admitted in the hospital for 75 days. Considering the same, the claimant is entitled to conveyance and attendant charges, food and nourishment in a sum of Rs.75,000/- (Rs.1,000 x 75 days) as against Rs.30,000/- awarded by the Tribunal. The Tribunal has rightly taken loss of income during laid up period for six months. As now the income taken is Rs.14,500/-, the compensation towards loss of income during laid up period would be Rs.87,000/- (Rs.14,500 x 6 months). The Tribunal has rightly awarded medical expenses in a sum of Rs.20,648/-.



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8. 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	1,35,720/-
02.	Pain and suffering	80,000/-
03.	Loss of amenities	60,000/-
04.	Medical expenses	20,648/-
05.	Loss of income during laid up period	87,000/-
06.	Attendant and conveyance charges	75,000/-
	Total	4,58,368/-

9. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,58,368/- as against Rs.3,85,688/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.72,680/- 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.

10. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.72,680/- 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.: 44
Ct.sm