



CNR: KAHC010012502025

NC: 2026:KHC:44503
MFA No. 249 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO. 249 OF 2025 (MV-I)

BETWEEN:

SRI ADITHYA V
S/O VASANTHA,
AGED ABOUT 22 YEARS,
R/O NEAR KARYAPPA PARK,
UDAYAGIRI EXTENSION,
HASSAN CITY, HASSAN - 573 201.

PRESENTLY R/AT ULUVARE VILLAGE,
SHANTHIGRAMAHOBLI,
HASSAN TALUK – 573 201.

...APPELLANT

(BY SMT. KAVITHA H C, ADVOCATE)

AND:

1. SRI ANIL KUMAR YADAV
S/O GOPAL V.
R/O SRI LAKSHMIKRUPA,
DEVARAJURS ROAD,
NEAR LADIES HOSTEL,
VIDYANAGARA, HASSAN-573 201
(OWNER OF THE CAR BEARING
REGISTRATION NO. KA-32-M-9357)
2. THE MANAGER
M/S SRIRAM GENERAL INSURANCE CO.,LTD.,

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



CNR: KAHC010012502025

NC: 2026:KHC:44503
MFA No. 249 of 2025

HOSPITAL ROAD, INFRONT OF BOWRING HOSPITAL,
SHIVAJINAGARA, BENGALURU-560 043.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 2.6.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.12.2024 PASSED IN MVC
No.1357/2020 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE
AND CJM, AND MEMBER, ADDITIONAL 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 03.12.2024 passed in MVC No.1357/2020 by
the Prl.Senior Civil Judge and Member, 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 No.2/insurer.



CNR: KAHC010012502025

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 14.06.2020 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-32-M-9357. 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.	Towards pain and suffering	20,000/-
02.	Medical expenses	30,000/-
03.	Diet, nourishment, conveyance and attendant charges	20,000/-
04.	Towards loss of income during laid up period	13,750/-
05.	Loss of future income on account of permanent physical disability	2,97,000/-
06.	Loss of amenities and enjoyment of life	10,000/-
	Total	3,90,750/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the respondent No.2/insurer to deposit the award amount with



CNR: KAHC010012502025

interest. The claimant challenging negligence attributed to him and 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. Learned counsel for appellant would contend that the contributory negligence as attributed to the appellant/claimant at 50% only on the ground that he has not produced driving license and he drove the motor cycle without driving license. The said finding of the Tribunal is not proper since the charge sheet has been filed against the driver of the car for rash and negligent driving. He further contends that the claimant has sustained fracture of both bones of right fore arm and undisplaced fracture lost condyle of right humerus. Considering the said injuries the compensation awarded towards pain and suffering, loss of amenities are on lower side. PW.2 – Doctor has stated that the claimant has sustained 24% disability to



CNR: KAHC010012502025

**NC: 2026:KHC:44503
MFA No. 249 of 2025**

the upper limb and the Tribunal has taken disability at 10%. The compensation towards loss of income during laid up period is on lower side. With this she prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Tribunal rightly considering that the claimant had no driving license at the time of accident has held that he has contributed negligence and rightly assessed it at 50%. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records.

9. The Tribunal held that the claimant has contributed to the accident and assessed his negligence at 50%. The contributory negligence assessed is only on the ground that the claimant had no driving license at the time of accident. The charge sheet – Ex.P7 is filed against the



CNR: KAHC010012502025

**NC: 2026:KHC:44503
MFA No. 249 of 2025**

driver of the car. The charge sheet has not been filed against the claimant for rash and negligent driving. Merely because the claimant is not having driving license, contributory negligence cannot be attributed to him. Therefore, the finding of the Tribunal in that regard is not proper and it is set-aside.

10. PW.2-Doctor who has examined the claimant and assessed his disability has stated that the claimant has sustained 24% disability to the upper limb. The Tribunal considering the same has taken the disability at 10%. There are no grounds to enhance the said disability. The claimant as per evidence of PW.2 has sustained fracture of both bones of right fore arm and undisplaced fracture lost condyle of right humerus. Considering the said injuries sustained the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.40,000/-. The claimant has been admitted in the



CNR: KAHC010012502025

hospital for four days. Considering the same, the compensation awarded towards attendant, conveyance charges and medical expenses are just and proper. The Tribunal has taken notional income at Rs.13,750/-. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2020 is Rs.14,500/- and the same income is to be taken. The Tribunal has rightly taken multiplier '18' as the claimant is aged 18 years. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.14,500} \times 12 \times 18 \times 10\% = \text{Rs.3,13,200/-}$$

11. Considering the injuries sustained by the claimant, he has to take rest atleast for three months. Therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.43,500/- (Rs.14,500 x 3 months) as against Rs.13,750/- awarded by the Tribunal.

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



CNR: KAHC010012502025

NC: 2026:KHC:44503
MFA No. 249 of 2025

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	3,13,200/-
02.	Pain and suffering	60,000/-
03.	Loss of amenities	40,000/-
04.	Medical expenses	30,000/-
05.	Conveyance and attendant charges	20,000/-
06.	Loss of income during laid up period	43,500/-
	Total	5,06,700/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,06,700/- as against Rs.1,95,375/- 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.3,11,325/- 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.

14. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.



NC: 2026:KHC:44503
MFA No. 249 of 2025

CNR: KAHC010012502025

- ii) The appellant/claimant is entitled to enhanced compensation of Rs.3,11,325/- 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.: 2 Sl No.: 41
Ct.sm