



CNR: KAHC010015872026

NC: 2026:KHC:56140
MFA No. 175 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO. 175 OF 2026 (MV-I)

BETWEEN:

SRI. R. RENUKA,
SO. LATE K. RAMAIAH,
AGED ABOUT 48 YEARS,
NO.4, 1 MAIN, 4TH CROSS,
SUBEDAR PALYA,
BENGALORE NORTH,
BANGALORE-22.

...APPELLANT

(BY SRI. LAKSHMANA R., ADVOCATE)

AND:

1. M/S. ICICI LOMBARD GENERAL
INSURANCE CO. LTD.,
BY ITS MANAGER, NO.121,
ESTATE, 9TH FLOOR,
DICKENSON ROAD. M.G ROAD,
BANGALORE – 560 042.
POLICY NO. HRO/SH268472,
VALID FROM 15.03.2020 TO 14.03.2021
(INSURER OF THE MOTERCYCLE
NO. KA-02-HH-2612)
2. SRI. RAVINDRA REDDY K.N.,
S/O B. CHINNAKONDAPPA,
AGED ABOUT 42 YEARS,
RESIDENT OF NO.526,
4TH MAIN ROAD,



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KAMALANAGAR,
SANJAY GANDHINAGARA,
BANGALORE - 560 079

...RESPONDENTS

(BY SRI. UTTUR PADMAVATI SURESH, ADVOCATE FOR R1;
V/O DATED 15.09.2026, NOTICE TO R2 IS D/W)

THIS APPEAL IS FILED U/S 173(1) OF THE MOTOR VEHICLE ACT IN THIS APPEAL FOLLOWING OFFICE OBJECTIONS TO BE COMPLIED 1) COURT FEE TO BE MADE GOOD 2) VALUATION PARA DETAILS TO BE STATED CORRECTLY 3) TRIAL COURT DETAILS TO BE STATED CORRECTLY AT PRAYER PARA OF APPEAL MEMO 4) AFFIDAVIT OF IA 1/26 FOR CONDONATION OF DELAY TO BE SWORN BEFORE COMPETENT AUTHORITY.

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 04.09.2024 passed in MVC No.4541/2020 by the Chief Judge, Court of Small Causes and Member Principal MACT, Bengaluru.

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.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 30.08.2020 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing registration No. KA-02/HH-2612. 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.	Pain and suffering	60,000/-
02.	Loss of amenities	40,000/-
03.	Medical Expenses	1,16,200/-
04.	Attendant, conveyance charges, food and nourishment etc.,	10,000/-
Total		2,36,200/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization

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and directed respondent No.1 -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.1 –insurer.

6. The accident occurred on 30.08.2020 and as on the date of accident the claimant was aged 42 years. The occupation of the claimant is stated to be driver in BMTC.

7. The claimant has sustained the following injuries:

- i) Fracture of left clavicle, left tentorial and posterior falxine subdural haemorrhage
- ii) Fracture of left zygomatic arch
- iii) Fracture of walls of the left maxillary sinus
- iv) Fracture of squamous temporal bone on left side

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- v) Fracture of lateral wall of the left superior orbital fissure
- vi) Fracture of left maxillary haemosinus
- vii) Fractures of left side multiple (2,3,4) ribs and other injuries.

Considering said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- is enhanced to Rs.1,40,000/- and loss of amenities awarded in a sum of Rs.40,000/- is enhanced to Rs.1,00,000/-.

8. The Tribunal based on documents has awarded medical expenses of Rs.1,16,200/-. The claimant has been admitted in the hospital for 22 days. Considering the same, the claimant is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.22,000/- (Rs.1,000/- x22days) as against Rs.20,000/- as awarded by the Tribunal. Considering the injuries sustained, the claimant has to take rest at least for 01

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month and therefore, he is entitled to loss of income during laid up period in a sum of Rs.40,000/- since his pay is Rs.40,000/- per month. Considering the fact that the claimant is driver and that there is no reduction of his income, The Tribunal has not awarded loss of income due to disability even though the doctor has stated that the claimant is having 18% disability.

9. Considering the fact that there is head on collusion and charge sheet is filed against both the appellant -injured and the rider of the insured vehicle, the Tribunal has rightly held both contributed to the accident to the extent of 50% each.

10. The claimant is entitled to enhanced compensation under various heads as under:

1	Pain and suffering	Rs.80,000/-
2	Loss of amenities	Rs.60,000/-
3	Loss income during laid up period	Rs.40,000/-
4	Attendant, conveyance charges, food and	Rs.2,000/-

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	nourishment etc,.	
	Total	Rs.1,82,000/-

As the claimant has contributed to the accident and the Tribunal has assessed contributory negligence at 50%, he is entitled to a sum of Rs.91,000/- (50% of Rs.1,82,000/-). Therefore, the claimant is entitled to enhanced compensation of Rs.91,000/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 -insurer is liable to pay the said enhanced compensation with interest. The claimant is not entitled to interest for the delay period of 381 days in filing the appeal as per order dated 15.09.2026 passed on IA No.1/2026.

11. 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.91,000/- with interest at

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the rate of 6% per annum from the date of petition till realization.

- iii) The appellant -claimant is not entitled to interest for the delay period of 381 days in filing the appeal.
- iv) Respondent No.1 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) The appellant -claimant is entitled for release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 26
CT:ABS