



CNR: KAHC010017712025

NC: 2026:KHC:49282
MFA No. 339 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 339 OF 2025 (MV-I)

BETWEEN:

SMT. MAHABUNNY
W/O MAHABOOB BASHA
AGED ABOUT 45 YEARS
R/AT No.26/4/3379
MUBARAK NAGAR, MELAPURAM
HINDUPUR TALUK - 515 201.
ANANTAPUR DISTRICT.
ANDHRA PRADESH.

...APPELLANT

(BY SRI GIRIMALLAIAH, ADVOCATE)

AND:

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

1. CHOLAMANDALAM MS
GENERAL INSURANCE COMPANY LTD.,
UNIT - IV, 9TH FLOOR, LEVEL -06
GOLDEN HEIGHT COMPLEX
5TH 'C' CROSS, INDUSTRIAL SUBURB
RAJAJINAGAR
BENGALURU - 560 042.
BY ITS MANAGER.
2. SRI K BHARATH
S/O KURUBARA RAMANJINEYULU
AGE :MAJOR
(AGE OF R-2 NOT KNOWN
TO APPELLANT)



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No. 26-4-1545, RTC COLONY
HIDUPUR H .O
ANANTHAPUR DISTRICT - 515 201.
ANDHRA PRADESH.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B. PRADEEP, ADVOCATE FOR R1
V/O DTD. 17.03.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:12.11.2024
PASSED IN MVC No.6038/2022 ON THE FILE OF THE 10TH
ADDITIONAL SMALL CAUSES, MEMBER AND MACT,
BENGALURU, (SCCH-16), 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 12.11.2024 passed in MVC No.6038/2022 by
X Additional Judge, Court of Small Causes and MACT,
Bengaluru (SCCH-16).



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2. Even though the appeal is listed today for orders/admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.1 –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 24.08.2022 contending that the accident occurred due to rash and negligent driving of the driver of Tata ACE vehicle bearing registration No.AP-02/TD-0966. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1.	Loss of future income	Rs.13,83,375-00
2.	Medical expenses	1,98,445-00
3.	Pain and sufferings	1,00,000-00
4.	Attendant charges	10,08,000-00
5.	Food and nourishment	50,400-00
6.	Conveyance expenses	20,000-00
7.	Loss of income during treatment period	93,000-00
8.	Loss of amenities	1,00,000-00



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9.	Future medical expenses	1,00,000-00
Total		Rs.30,53,220-00

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization 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 24.08.2022 and as on the date of accident, the claimant was aged 45 years. The Tribunal has rightly applied multiplier '15'. The claimant's occupation was tailoring in jockey garment. The claimant has not produced any proof of income and therefore, the Tribunal has rightly taken notional income of Rs.15,500/-. The Tribunal, considering the age of the claimant, has rightly added 25% towards future prospects.



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7. Learned counsel for appellant would contend that there is an amputation of right leg up to upper thigh. Considering the same, the functional disability is to be taken at 100% and on that point, he placed reliance on the decision of Hon'ble Apex Court in the case of Vinayak Vs Manohar Singh and others¹. The Tribunal in the judgment has observed that the claimant requires attendant throughout her life. Considering the same, the claimant cannot continue her work of tailoring and therefore, functional disability is to be taken at 100%. In view of above, loss of future income is calculated as under:

$$\text{Rs.15,500/-} + 25\% (\text{Rs.3875/-}) = \text{Rs.19,375/-} \times 12 \times 14 \times 100\% = \text{Rs.32,55,000/-}.$$

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

¹ In 2025 ACJ 1666



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Rs.1,50,000/- and loss of amenities in a sum of Rs.1,00,000/- is enhanced to Rs.1,25,000/-.

9. In view of disability taken at 100%, the claimant is not entitled to loss of income during laid up period as awarded by the Tribunal in a sum of Rs.93,000/-. The claimant is not seeking enhancement under head "attendant charges" as awarded by the Tribunal in a sum of Rs.10,08,000/-, medical expenses of Rs.1,98,445/-, food and nourishment of Rs,50,400/- and conveyance charges of Rs.20,000/-.

10. The Tribunal has awarded future medical expenses of Rs.1,00,000/-. The claimant has stated in her evidence that she has purchased artificial limb of Rs.2,00,000/- but has not produced any documents. Considering the same, the Tribunal has awarded Rs.1,00,000/- towards future medical expenses.

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



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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	32,55,000/-
02.	Medical expenses	1,98,445/-
03.	Pain and sufferings	1,50,000/-
04.	Attendant charges	10,08,000/-
05.	Food and nourishment	50,400/-
06.	Conveyance expenses	20,000/-
07	Loss of amenities	1,25,000/-
08	Future medical expenses	1,00,000/-
Total		49,06,845/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.49,06,845/- as against Rs.30,53,220/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.18,53,625/- 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.

12. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***



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- ii) The appellant -claimant is entitled to enhanced compensation of Rs.18,53,625/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.1 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Out of the compensation amount, a sum of Rs.10,00,000/- shall be keep in fixed deposit in the name of claimant for 15 years and remaining amount shall be released to claimant.
- v) Registry is directed to send back trial Court records.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 33
Ct.sm