



CNR: KAHC010018722026

NC: 2026:KHC:44783
MFA No. 223 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 223 OF 2026 (MV-I)

BETWEEN:

MASTER AKHIL RAJ E.K.
S/O C.K.SURAJ,
AGED ABOUT 19 YEARS,
RESIDING AT NO.400,
CHEEMASANDRA, AVALAHALLI,
VIRGONAGAR,
BENGALURU - 560 049.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. M/S.TATA AIG GEN. INS. CO. LTD.,
BY ITS MANAGER,
J.P. AND JAMBUKESHWAR ARCADE,
NEAR ICICI FIRST SQUARE, MILLERS ROAD,
BENGALURU - 560 053.

2. M/S. CITY LINK PORTAL PVT. LTD.,
BY ITS MANAGER,
LOGITECH PARK ROAD,
NO.10, EPIP, WHITEFIELD,
BENGALURU - 560 066.

...RESPONDENTS

(BY SRI. MURALIDHARA N., ADVOCATE FOR R1;
VIDE ORDER DATED 14.01.2026, NOTICE TO R2 IS
DISPENSED WITH)

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



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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.01.2023 PASSED IN MVC NO.256/2021 ON THE FILE OF THE XV ADDITIONAL SMALL CAUSES JUDGE, AND XXIII ACMM, COURT OF SMALL CAUSES, MAYO HALL UNIT AND MACT, BENGALURU (SCCH-19), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 17.01.2023 passed in MVC No.256/2021 by XV Additional Judge, Court of Small Causes and XXIII ACMM and MACT, Bengaluru (SCCH-19).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellant and learned counsel for respondent No.1/insurer, the matter is taken up for disposal.



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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 15.10.2020 contending that the accident occurred due to rash and negligent driving by the driver of TATA Truck bearing registration No.KA-81/AC-5203.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 50,000/-
2.	Medical expenses	Rs. 1,43,434/-
3.	Transportation, Nourishment, Conveyance and attendant charges	Rs. 10,000/-
4.	Towards loss of amenities of life	Rs. 30,000/-
	Total	Rs. 2,33,434/-

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



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realisation and directed respondent No.1/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.1/insurer.

7. Learned counsel for the appellant would contend that, even though the claimant has suffered disability as stated by P.W.2 - Doctor, the Tribunal has not awarded loss of future income due to disability. Considering the injuries sustained, the compensation awarded towards pain and sufferings and loss of amenities is on lower side. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.1/insurer would contend that, the Medical Board has examined the claimant with regard to disability and gave opinion that there is no disability caused to the claimant and therefore,



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the Tribunal has not awarded loss of income due to disability. The compensation awarded under other heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.1/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 15.10.2020 and as on the date of accident, the claimant was aged fifteen (15) years. P.W.2 - Doctor who has examined the claimant and assessed his disability at 34% to left lower limb and 11% disability to the whole body. The claimant has been referred to the Medical Board for assessment of disability. The Medical Board has gave opinion that there is no disability caused to the claimant. Considering the above



aspect, the Tribunal has rightly not awarded loss of future income due to disability.

11. The claimant has sustained the following injuries as per Ex.P6 - Wound Certificate:

*"Crush injury to left Knee (Posterior aspect)
& foot degloving injury with fracture of 5th
metatarsal."*

Considering the injuries sustained, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.50,000/- requires to be enhanced to Rs.80,000/- and loss of amenities in a sum of Rs.30,000/- requires to be enhanced to Rs.50,000/-.

12. The Tribunal has rightly awarded medical expenses of Rs.1,43,434/-.

13. The claimant has been admitted in hospital for five (05) days and considering the same, the Tribunal has awarded attendant and conveyance charges etc., in a sum of Rs.10,000/- since the age of the claimant is fifteen (15) years and that he has been admitted in hospital for five



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(05) days and considering the injuries sustained, he has to take rest at least for one (01) month. Therefore, one of the parents of the claimant has suffered loss of income during laid up period as they have attended the claimant and therefore, loss of income during laid up period to the parent awarded in a sum of Rs.14,500/-.

14. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 80,000/-
2.	Medical expenses	Rs. 1,43,434/-
3.	Attendant and Conveyance charges etc.	Rs. 10,000/-
4.	Loss of amenities	Rs. 50,000/-
5.	Loss of income during laid up period to the parent	Rs. 14,500/-
	Total	Rs. 2,97,934/-

15. The claimant is entitled to total compensation of Rs.2,97,934/- as against Rs.2,33,434/- awarded by the Tribunal with interest.



16. Consequently, the claimant is entitled to enhanced compensation of Rs.64,500/- (Rs.2,97,934/- - Rs.2,33,434/-) with interest at the rate of 6% per annum from the date of petition till realisation.

17. The appellant/claimant is not entitled to interest for the delay period of 997 days in filing the appeal as per order dated 19.08.2026 passed on I.A.No.1/2026.

18. Respondent No.1/insurer is liable to pay enhanced compensation amount with interest.

19. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.64,500/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/insurer shall deposit the enhanced compensation amount with*



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interest before the Tribunal within a period of six weeks from this day.

- iv) The appellant/claimant is entitled to release of entire enhanced compensation with interest.*
- v) The appellant/claimant is not entitled to interest for the delay period of 997 days in filing the appeal.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 16