



CNR: KAHC010026312025

NC: 2026:KHC:53869
MFA No. 482 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 482 OF 2025 (MV-I)

BETWEEN:

MR. SANDEEP J.B.
S/O. BASAVARAJU,
AGED ABOUT 21 YEARS,
R/AT GAJANUR VILLAGE,
KASABA HOBLI,
MANDYA - 571 430.

...APPELLANT

(BY SRI. RANGE Gowda N.R., ADVOCATE)

AND:

1. SRI. KUNNA SIDDANAYAK
AGED ABOUT MAJOR,
1ST WARD, NAYKAR BEEDHI,
SUDEEP CIRCLE, PALYA VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGARA - 571 440.

2. RELIANCE GENERAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER,
REGIONAL OFFICE NO.28,
5TH FLOOR, CENTENARY BUILDING,
M.G. ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. H.S. LINGARAJ, ADVOCATE FOR R2;
VIDE ORDER DATED 03.08.2026, NOTICE TO R1
IS DISPENSED WITH)

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JUDGE, 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 04.11.2024 PASSED IN MVC NO.1909/2023 ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-24), 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 04.11.2024 passed in MVC No.1909/2023 by XXII Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-24).

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

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained

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by him in a road traffic accident occurred on 04.03.2023 contending that the accident occurred due to rash and negligent driving by the driver of Mahindar Bolero bearing registration No.KA-10-A-5918.

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.	Towards pain and sufferings	Rs. 60,000/-
2.	Towards conveyance, attendant charges and nourishing food	Rs. 25,000/-
3.	Towards loss of income during laid up period	Rs. 46,500/-
4.	Future loss of income	Rs. 6,02,640/-
5.	Medical expenses	Rs. 1,92,158/-
6.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 9,56,298/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant

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have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. The accident occurred on 04.03.2023 and as on the date of accident the claimant was aged twenty (20) years. Considering the said age of the claimant, the Tribunal has rightly applied Multiplier '18'. The notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.15,500/- taken by the Tribunal.

8. The claimant has sustained the following injuries as per Ex.P13 - Discharge Summary:

- a) Crush injury right elbow
- b) Fracture distal humerus right
- c) Fracture radial head, fracture right ulna proximal third
- d) Fracture shaft right radius and other injuries

9. Considering the said injuries/fractures sustained by the claimant, the compensation awarded by the

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Tribunal towards pain and sufferings in a sum of Rs.60,000/- is enhanced to Rs.1,50,000/-. Considering the said injuries, the claimant is entitled to loss of amenities in a sum of Rs.75,000/-.

10. The Tribunal considering that the claimant has been admitted in hospital for eight (08) years has rightly awarded attendant, conveyance, charges, food and nourishment etc. in a sum of Rs.25,000/-.

11. Considering the said injuries sustained, the claimant has to take rest atleast for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- X 03 months) as against Rs.46,500/- awarded by the Tribunal.

12. The Tribunal based on medical bills has rightly awarded medical expenses of Rs.1,92,158/-.

13. P.W.2 - Doctor has stated that the claimant has sustained 74.30% disability to right upper limb and 24.76% to the whole body and the Tribunal has taken



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disability to whole body at 18%. The claimant is a Mason aged twenty (20) years. Considering the said avocation of the claimant and the fracture sustained as seen in the photographs Ex.P14, the functional disability is to be taken at 25%. Since the disability taken is more than 20%, the claimant is entitled to future prospects at 40%. In view of the same, loss of future income due to disability is calculated as under:

$$\text{Rs.16,250/-} + 40\% (\text{Rs.6,500/-}) = \text{Rs.22,750/-} \times 12 \\ \times 18 \times 25\% = \text{Rs.12,28,500/-}$$

14. The Doctor has stated that the claimant has to undergo two more surgeries for correction of damaged right elbow joint by doing right elbow joint replacement, Arthroplasty and removal of implants from right radius. Considering the same, the claimant is entitled to future medical expenses of Rs.60,000/- as against Rs.30,000/- awarded by the Tribunal.

15. The claimant was aged twenty (20) years as on the date of accident. Considering the fractures sustained

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by him, the marriage prospects of the claimant has been affected. Learned counsel for the appellant submits that till now the appellant is not married due to the injuries/fractures sustained by him. Therefore the claimant is entitled to loss of marriage prospects in a sum of Rs.1,00,000/-.

16. 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. 1,50,000/-
2.	Loss of amenities	Rs. 75,000/-
3.	Attendant, conveyance charges, food, nourishment etc.,	Rs. 25,000/-
4.	Medical expenses	Rs. 1,92,158/-
5.	Future medical expenses	Rs. 60,000/-
6.	Loss of future income	Rs. 12,28,500/-
7.	Loss of marriage prospects	Rs. 1,00,000/-
8.	Loss of income during laid up period	Rs. 48,750/-
		Rs. 18,79,408/-

17. The claimant is entitled to total compensation of Rs.18,79,408/- as against Rs.9,56,298/- awarded by the Tribunal with interest.

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18. Consequently, the claimant is entitled to enhanced compensation of Rs.9,23,110/- (Rs.18,79,408/- - Rs.9,56,298/-) with interest at the rate of 6% per annum from the date of petition till realisation.

19. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

20. The claimant is not entitled to interest on enhanced future medical expenses of Rs.30,000/-.

21. 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.9,23,110/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/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 50% of enhanced compensation with interest and remaining 50% shall be kept in Fixed Deposit in Karnataka Bank, City Civil Court Branch, Bengaluru in his name for a period of three (03) years.*
- v) The appellant/claimant is not entitled to interest on enhanced future medical expenses of Rs.30,000/-.*

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 14