



CNR: KAHC010035682024

NC: 2026:KHC:39598
MFA No. 408 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 408 OF 2024 (MV-I)

BETWEEN:

SRI. H. KUMAR
S/O HANUMANTHAPPA,
AGED ABOUT 37 YEARS,
R/O. ANGANAVADI UPPARAHATTI VILLAGE,
R/O. MUDLABOVHATTI VILLAGE,
JANKAL POST,
HOSADURGA TALUK,
NOW R/O. C'O THIMMABOVI,
MEDEHALLI VILLAGE,
CHITRADURGA TALUK - 577 501.

...APPELLANT

(BY SMT. DEEPU B.M., ADVOCATE FOR
SRI. B PRAMOD., ADVOCATE)

AND:

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

1. SRI. RAMESH K.
S/O REVANASIDDAPPA,
MAJOR,
OWNER OF CAR BEARING REG NO.KA 66 M 2388
R/O DASARAHALLI VILLAGE,
ANTHRAGATTA POST,
KADUR TALUK,
CHIKKAMAGALURU DISTRICT - 577 547.
2. THE BRANCH MANAGER
IFFCO TOKIYO GENERAL INSURNACE CO. LTD.,
BRANCH OFFICE 1ST FLOOR,



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OPP: SBI BANK,
JCR MAIN ROAD,
CHITRADURGA TOWN - 577 501.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. C. SHANKARA REDDY, ADVOCATE FOR R2;
SRI. SUMANTH L. BHARADWAJ, ADVOCATGE FOR R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 23.09.2023
PASSED IN MVC NO.85/2022 ON THE FILE OF THE
I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MACT NO.IV,
CHITRADURGA, 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 23.09.2023 passed in MVC No.85/2022



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by I Additional Senior Civil Judge and Additional MACT-IV,
Chitradurga.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant, learned counsel for respondent No.1 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 by him in a road traffic accident occurred on 23.09.2021 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-66/M-2388.

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:



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Sl. No.	Particulars	Amount
1.	Loss of income due to disability	Rs. 6,04,800/-
2.	Pain & Suffering	Rs. 50,000/-
3.	Medical expenses	Rs. 78,535/-
4.	Loss of income during laid-up period (calculated for three months)	Rs. 45,000/-
5.	Food and nourishment	Rs. 10,000/-
6.	Loss of amenities	Rs. 20,000/-
7.	Attendant charges, conveyance etc.,	Rs. 10,000/-
8.	Future medical expenses	20,000/-
	Total	Rs. 8,38,335/-

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

6. The Tribunal has passed an order for pay and recovery and directed respondent No.2/insurer to deposit the award amount with interest and recover the same from respondent No.1/owner of the vehicle. The claimant has filed the present appeal seeking enhancement of compensation.



7. Heard the learned counsel for appellant, learned counsel for respondent No.1 and learned counsel for respondent No.2/insurer.

8. Learned counsel for the appellant would contend that, the claimant has sustained grievous injuries and P.W.2 - Doctor has stated that there is a disability to the extent of 62% of lower limb and 21% to the whole body. Considering the said aspect, the compensation awarded for pain and suffering and loss of amenities are on lower side. The claimant has been admitted in hospital for seventeen days and considering the same, the compensation awarded for attendant and conveyance charges and loss of income during laid up period are on lower side. With these, she prayed to allow the appeal and enhance the compensation.



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9. Learned counsel for the respondent No.2/insurer would contend that, the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

10. Learned counsel for the respondent No.1 also contended that, the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

11. Having heard the learned counsel for appellant, learned counsel for respondent No.1 and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.

12. P.W.2 - Doctor who examined the claimant and assessed his disability and stated that the claimant is having 62% disability of lower limb and 21% to the whole body. The claimant in his evidence has stated that, he has



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sustained grievous injury and he is not able to walk without clutches. Considering the said aspect, the compensation awarded towards pain and suffering and loss of amenities are on lower side.

13. The claimant has been admitted in hospital for seventeen days and considering the same, the compensation awarded for attendant, conveyance charges, food and nourishment etc., requires to be enhanced. The Tribunal has awarded loss of income during laid up period for three months and considering the injury sustained by him and disability suffering, the claimant is entitled to loss of income during laid up period for four months.

14. Considering all these aspects, the claimant is entitled to enhanced global compensation of Rs.75,000/- with interest at the rate of 6% per annum from the date of petition till realisation.



15. The pay and recovery order passed by the Tribunal remains unaltered.

16. Respondent No.2/insurer shall pay the enhanced global compensation with interest at the rate of 6% per annum from the date of petition till realisation.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced global compensation of Rs.75,000/- 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 global compensation amount with interest before the Tribunal within a period of six weeks from this day and recover the same from respondent No.1/owner of the vehicle.*



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iv) The claimant is entitled to release of entire enhanced global compensation with interest.

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

KLV
List No.: 1 Sl No.: 41