



CNR: KAHC010040732025

NC: 2026:KHC:53948
MFA No. 567 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 567 OF 2025 (MV-I)

BETWEEN:

ANNAYAPPA
S/O VENKATESH.H
AGED ABOUT 59 YEARS
R/AT No.2/1, 11TH CROSS
LAKSHMAIAHA BLOCK
GANGANAGARA
BENGALURU NORTH
BENGALURU-32.

...APPELLANT

(BY SRI K V NAIK, ADVOCATE)

AND:

1. THE MANAGER
ICICI LOMBARD GENERAL
INSURANCE CO., LTD.,
NO. 121,
THE ESTATE, 9TH FLOOR
DICKENSON ROAD,
M.G ROAD, BENGALURU- 560 042.

POLICY ISSUED BY ITS OFFICE IN
POLICY No. 3003/238122405/00/B00
DATE OF VALIDITY FROM
29/01/2022 TO
28/01/2023.



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2. LOKESH.B.H
S/O HANUMANTHAPPA B.R
AGE: 39 YEARS
R/AT GOWDAGERE HOBLI
SIRA TALUK, BANDAKUNTE
TUMKUR-572 137.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B. PRADEEP, ADVOCATE FOR R1
V/O DTD. 06.07.2026, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:24.10.2024
PASSED IN MVC No.414/2023 ON THE FILE OF THE CHIEF
JUDGE, COURT OF SMALL CAUSES, MEMBER, PRL. MACT,
BENGALURU, 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 24.10.2024 passed in MVC No.414/2023 by
Chief Judge, Court of Small Causes and Member Principal
MACT, Bengaluru.

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2. Even though the appeal is listed today for 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 03.12.2022 contending that the accident occurred due to rash and negligent driving of the driver of Tata Ace bearing registration No.KA-04/D-4079. 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.	Towards Pain and Suffering	1,20,000/-
03.	Towards attendant and conveyance charges	25,000/-
04.	Towards loss of amenities	1,00,000/-
05.	Towards Loss of income during laid up period	90,000/-
Total		3,35,000/-



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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 03.12.2022 and as on the date of accident, the claimant was aged 57 years. Considering the age of the claimant, the multiplier applicable is '9'. The notional income fixed for the year 2022 by the Karnataka State Legal Services Authority is Rs.15,500/- and the same is taken as against Rs.15,000/- as taken by the Tribunal.

7. The claimant has sustained the following injuries:

- i) Multiple fractures of ribs on left side
- ii) Fracture of left side haemothorax

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iii) Contusion of lungs

iv) Dislocation of left knee with ligamental tear.

Considering the said injuries, compensation awarded towards pain and suffering in a sum of Rs.1,20,000/- and loss of amenities in a sum of Rs.1,00,000/- is just and proper. The claimant has been admitted in the hospital for 11 days. Considering the same, the compensation awarded towards attendant and conveyance charges, food and nourishment etc., in a sum of Rs.25,000/- is just and proper. The Tribunal has awarded loss of income during laid period for 06 months taking the income at Rs.15,000/-. As income now taken is Rs.15,500/-, the claimant is entitled to loss of income during laid up period in a sum of Rs.93,000/- (Rs.15,500/- x 06 months).

8. The documents produced at Ex. P10 and 11 - medical bills and prescriptions indicate that the claimant has incurred medical expenses of Rs.1,23,460/-. The

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Tribunal has not awarded the said medical expenses only on the ground that the claimant has not explained regarding the getting reimbursement of the medical expenses from Star Insurance Company. Even if the claimant gets reimbursement of the medical expenses under the health insurance policy, medical expenses incurred by the claimant cannot be denied. Therefore, the claimant is entitled to medical expenses of Rs.1,23,460/-.

9. The doctor -P.W.4, who has examined the claimant, assessed his disability and stated that the claimant has sustained 34.20% disability to the left lower limb and whole body at 17.10%. In cases of disability to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore, disability to the whole body is taken at 11% (1/3rd of 34.20%). P.W.4 - doctor has also stated that claimant has sustained 5% disability to the whole body due to fracture of ribs. He has also stated that the rib fractures are non united. Considering the said aspect, the whole body disability is

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11% + 5% = 16%. In view of the same, the loss of income due to disability is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 9 \times 16\% = \text{Rs.2,67,840/-}.$$

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,20,000/-
02.	Towards Medical Expenses	1,23,460/-
03.	Towards attendant and conveyance charges	25,000/-
04.	Towards loss of amenities	1,00,000/-
05.	Towards Loss of income during laid up period	93,000/-
05.	Towards loss of future income due to disability	2,67,840/-
Total		7,29,300/-

The claimant is entitled to total compensation of Rs.7,29,300/- as against Rs.3,35,000/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,94,300/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.1 -insurer is liable to pay the said enhanced compensation with interest.



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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.3,94,000/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) Respondent No.1 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period 06 weeks from this day.
- iv) The appellant -claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 14
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