



CNR: KAHC010058732025

NC: 2026:KHC:55884
MFA No. 754 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.754/2025 (MV-I)

BETWEEN:

1. SRI. G. NARASAPPA
S/O LATE MUDDAPPA
AGED ABOUT 52 YEARS
R/AT NO.16/17, 'SRI RANGA NIVASA'
1ST CROSS, KRISHNE GOWDA LAYOUT
T.DASARAHALLI, BENGALURU-560057.

...APPELLANT

(BY SRI. VENKATE GOWDA K, ADV.,)

AND:

1. SRI. RANGAPPA
S/O SRI MAHALINGAPPA
MAJOR IN AGE
R/AT NO.8/63, DEVARAHATTI VILLAGE
GUDIBANDA POST AND MANDAL
ANANTHAPURA DISTRICT
ANDHRA PRADESH-515271.
2. THE MANAGER
ICICI LOMARD GENERAL
INSURANCE COMPANY LTD.,
2ND SVR COMPLEX, HOSUR MAIN ROAD
BENGALURU-560068.

...RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADV., FOR R2
V/O/DTD:28.02.2025, NOTICE TO R1 IS D/W)



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THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD, TO FIX THE ENTIRE NEGLIGENCE ON THE PART OF THE RIDER OF OFFENDING VEHICLE AND ENHANCE THE COMPENSATION SUITABLY IN MVC NO.7270/2022, DATED 08.10.2024 ON THE FILE OF MOTOR ACCIDENT CLAIMS TRIBUNAL & COURT OF SMALL CAUSES, AT BENGALURU (SCCH-24) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 08.10.2024 passed in MVC No. 7270/2022 by the XXII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-24).

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 01.07.2022 due to the rash and negligent driving by the rider of motorcycle bearing registration No. AP-39-GP-

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8119. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards pain and suffering	Rs.65,000/-
2	Towards conveyance, attendant charges and nourishing food	Rs.25,000/-
3	Towards loss of income during laid up period	Rs.31,000/-
4	Medical expenses	Rs.66,394/-
5	Loss of future income	Rs.3,06,900/-
6	Future medical expenses	Rs.15,000/-
7	Loss of amenities and discomfort	Rs.30,000/-
	Total	Rs.5,39,294/-

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

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5. The accident occurred on 01.07.2022 and as on the date of accident claimant was aged 51 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `11'. Notional income fixed for the year 2022 is Rs.15,500/- per month and the Tribunal has rightly taken the said notional income.

6. Claimant had sustained the following injuries as per Ex.P.6 – wound certificate :

- a. Comminuted fracture of the calcaneum of right lower limb
- b. Fracture of medial malleby and chip fracture of lateral tibia
- c. Fracture of middle third of the fibula

7. Considering the said injuries/fractures sustained by claimant compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.65,000/- is enhanced to Rs.1,20,000/- and loss of amenities awarded in a sum of Rs.30,000/- is enhanced to Rs.1,00,000/-.

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8. Considering the said injuries claimant had to take rest at-least for four months and therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.62,000/- (Rs.15,500 X 4 months) as against Rs.31,000/- awarded by the Tribunal.

9. The Tribunal has rightly awarded medical expenses in a sum of Rs.66,394/- based on the bills produced.

10. P.W.2 – Doctor has stated that claimant has to undergo surgery for removal of implant and considering the same, claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal.

11. Claimant was admitted in the hospital for 11 days. Therefore, he is entitled to attendant, conveyance charges, food and nourishment in a sum of Rs.11,000/- (Rs.1,000 X 11 days) as against Rs.25,000/- awarded by the Tribunal.

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12. P.W.2 - Doctor who examined the claimant and assessed the disability has stated that claimant had sustained 66% disability to the right lower limb and 22% to the whole body. The Tribunal has taken the disability to the whole body at 15%. Considering the age and avocation of the claimant that he was doing tamarind business, disability to the whole body is to be taken at 22%. Since disability taken is more than 20%, claimant is entitled to future prospects at 10%.

13. In view of the same, claimant is entitled to loss of future income due to disability as under:

$$15,500 \times 12 \times 11 \times 22\% + 10\% = \text{Rs.}4,95,132/-$$

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

1	Pain and suffering	Rs.1,20,000.00
2	Loss of amenities	Rs.1,00,000.00
3	Loss of income during laid up period	Rs.62,000.00

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4	Medical expenses	Rs.66,394.00
5.	Future medical expenses	Rs.30,000.00
6.	Attendant, conveyances charges, food, nourishment	Rs.11,000.00
7.	Loss of future income due to disability	Rs.4,95,132.00
	Total	Rs.8,84,526.00

15. The Tribunal has held that claimant had also contributed to the accident and has assessed the contributory negligence on the part of claimant at 15%. Considering the same, claimant is entitled to 85% of the enhanced compensation.

16. Considering the above aspects claimant is entitled to total compensation of Rs.8,84,526/- as against Rs.5,39,294/- awarded by the Tribunal. Therefore, enhanced compensation is Rs.3,45,232/-. Consequently, claimant is entitled to enhanced compensation of Rs.2,93,447/- (85% of Rs.3,45,232/-) with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest on enhanced future medical expenses in a sum of

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Rs.15,000/-. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

17. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,93,447/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant – Claimant is not entitled to interest on enhanced future medical expenses in a sum of Rs.15,000/-.
- d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Out of the enhanced compensation 50% shall be kept in Fixed Deposit with Karnataka Bank, City Civil Court branch, Bengaluru in the name of

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claimant and remaining 50% shall be released to
the claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 1
CT:MS