



CNR: KAHC010065642026

NC: 2026:KHC:42362
MFA No. 728 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 728 OF 2026 (MV-I)

BETWEEN:

KASIM SAHEB
AGED ABOUT 70 YEARS
S/O. ISMAIL SAHEB
R/O. 6-158(1)
JYOTHI NAGAR, NEJAR
UDUPI- 576 105.

...APPELLANT

(BY SRI RAJAT G SIDDAPURMATH, ADVOCATE FOR
SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. SHREYAS S SHETTY
AGED ABOUT 29 YEARS
S/O. SHARASHCHANDRA SHETTY
R/O. No.3415, 20/D MAIN
VIJAYANAGAR, 2ND STAGE
MYSORE- 570 017.

2. THE DIVISIONAL MANAGER
BAJAJ ALLIANZ GEN INS. CO. LTD.,
DIVISIONAL OFFICE, SHOP No.25 & 26
2ND FLOOR, ESSEL WILSON COMPLEX
KANKANADY POST, KADRI VILLAGE
MANGALORE- 575 007.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR

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



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SRI B PRADEEP, ADVOATE FOR R2
V/O DTD. 08.06.2026 NTOICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:21.11.2025
PASSED IN MVC No.979/2024 ON THE FILE OF THE
ADDITIONAL SENIOR CIVIL JUDGE, MACT, UDUPI, 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 21.11.2025 passed in MVC No.979/2024 by
the Additional Senior Civil Judge and Additional MACT.,
Udupi.

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.2 -insurer.



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3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 02.05.2024 contending that the accident occurred due to rash and negligent driving of the driver of motor bike bearing registration No.KA-09/HE-3756. 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 of compensation	Rs.
1.	Pecuniary Damages Medical bills Conveyance charges Nourishing food Attender Charges	1,13,836.00 3,150.00 750.00 2,500.00
2.	Loss of earnings Loss of earnings during the period of treatment Loss of future earnings Future medical expenses	30,000.00 21,537.00 40,000.00
II	Non-pecuniary Damages	
1.	Pain and sufferings	50,000.00
2.	Loss of amenities	25,000.00
	Total	2,86,773.00



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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 the respondent No.2 -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.2 –insurer.

6. Learned counsel for appellant would contend that the claimant is aged 69 years and was doing electrician work. The claimant has sustained three injuries. Out of them, one is fracture. P.W.2 is doctor who examined the claimant and assessed his disability at 20.93% and The Tribunal has taken his disability at 10%. The disability taken is on lower side considering the age of the claimant. Considering injury sustained, compensation awarded for pain and suffering, loss of amenities and loss of income during laid up period is on lower side. The



claimant has been admitted in the hospital for 05 days. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 -insurer would contend that the claimant himself has stated that his income from his avocation as electrician is Rs.15,000/-. Considering the same, the Tribunal has rightly taken his income. The disability taken by the Tribunal is on higher side. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 02.05.2024 and as on the date of accident the claimant was aged 69 years. The claimant was electrician and as stated in the claim petition and also evidence of the claimant/ P.W.1 his monthly income is Rs.15,000/-. Considering the same, the Tribunal has rightly taken the income of the claimant at



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Rs.15,000/-. The Tribunal has rightly applied the multiplier 5 since the claimant is aged 69 years. The disability taken by the Tribunal at 10% is just and proper as per evidence of P.W.2. Therefore, the loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 5 \times 10\% = \text{Rs.90,000/-}.$$

10. The claimant has sustained the following injuries:

- "1. *Lacerated wound over right elbow 3*1cm*
2. *Laceraed wound over right ankle posterior aspect 5*1 complainant*
3. *Bimalleolar fracture ankle right."*

Considering the said injury, the compensation awarded for pain and suffering and loss of amenities are just and proper. The claimant has been admitted in the hospital for 05 days and therefore, he is entitled to attendant and conveyance charges and food and nourishment in a sum of Rs.5,000/- (Rs.1,000/- x 5). Considering that the claimant is aged 69 years, that he



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has sustained three injuries and out of them one is fracture he has to take rest at least for 03 months. Therefore, he is entitled to loss of income during laid up period for 03 months in a sum of Rs.45,000/- (Rs.15,000/- x3). The Tribunal has rightly awarded future medical expenses and medical expenses.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Loss of amenities	25,000/-
03.	Medical expenses	1,13,836/-
04.	Future medical expenses	40,000/-
05.	Attendant and conveyance charges, food and nourishment etc.,	5,000/-
06.	Loss of future income	90,000/-
07.	Loss of income during laid up period	45,000/-
Total		3,68,836/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.3,68,836/- as against Rs.2,86,773/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till



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realization. Consequently, the claimant is entitled to enhanced compensation of Rs.82,063/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

13. 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.82,063/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) The appellant –claimant is entitled to release
of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 5
Ct.sm