



CNR: KAHC010081382026

NC: 2026:KHC:44409
MFA No. 846 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 846 OF 2026 (MV-I)

BETWEEN:

SRI SHIVAMURTHY @ MURTHY C
S/O GIRIMALLAPPA
NOW AGED ABOUT 55 YEARS,
NO.54 KANAKAPURA MAIN ROAD,
NEAR GOVT. SCHOOL
O .B CHUDANAHALLI
BENGALURU-560 082.

...APPELLANT

(BY SRI. GIRI MALLAIAH, ADVOCATE)

AND:

1. ICICI LOMBARD GENERAL
INSUERANCE COMPANY LTD
NO.121, "THE ESTATE" 9TH FLOOR,
DICKENSON ROAD
M .G ROAD
BENGALURU-560 042
BY ITS MANAGER.
2. MR SHREY CHAUDHARY
S/O NEERAJ KUMAR CHAUDHARY
MAJOR
(AGED OF RESPONDENT NO.2
NOT KNOWN TO APPELLANT)
NO.D-750, GALI NO.4
ASHOK NAGAR,

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



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NAND NAGRI EAST DELHI
SHYAM VIHAR PHASE-1
MURADNAGAR
NEW DELHI-110 093.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI P S JAGADISH, ADVOCATE FOR R1
V/O DTD. 4.2.2026, NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED.03.11.2025 PASSED IN MVC
NO. 2456/2024 ON THE FILE OF THE XXII ADDITIONAL SCJ
AND ACJM, MEMBER, MACT, 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 appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 03.11.2025 passed in MVC No.2456/2024 by
the XXII Additional Small Causes Judge and Member,
MACT, Bengaluru (SCCH-24).

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No1/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 28.01.2024 contending that the accident occurred due to rash and negligent driving of the driver of Tata Tiago Car bearing Regn.No.DL-06-CR-6852. 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	75,000/-
02.	Medical expenses	15,952/-
03.	Towards loss of income during laid up period	49,500/-
04.	Towards conveyance, attendant charges and nourishing food etc	20,000/-
05.	Future loss of income	2,17,800/-
06.	Future medical expenses	10,000/-
	Total	3,88,252/-

4. The Tribunal also awarded interest @ 6% p.a. 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. Learned counsel for appellant would contend that the claimant has sustained Open type 2 left both bone leg fracture. PW.3-Doctor who examined the claimant has assessed his disability at 42% of lower limb and 14% to the whole body and the Tribunal erred in taking the disability at 10%. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- p.m. and the same is to be taken as against Rs.16,500/- taken by the Tribunal. The Tribunal has rightly applied multiplier '11'. Considering the injuries sustained the compensation awarded towards pain and suffering is on lower side. The Tribunal has not awarded loss of amenities. The Doctor



has stated that the claimant has to undergo surgery for removal of implant and for that he has to spend Rs.25,000/- and the Tribunal has awarded Rs.10,000/- towards future medical expenses. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.1/insurer would contend that considering the evidence of PW.3- Doctor, the Tribunal has rightly taken the disability at 10% and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With this he prayed to dismiss the appeal.

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

9. The accident occurred on 28.01.2024 and as on the date of accident the claimant was aged 54 years. The Tribunal has taken the notional income at Rs.16,500/-. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year



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2024 is Rs.17,000/- and the same is to be taken as against Rs.16,500/- taken by the Tribunal.

10. PW.3 is the Doctor who has examined the claimant and assessed his disability at 42% to the left lower limb and 14% to the whole body. Considering the said evidence of Doctor, the disability to the whole body is to be taken at 14% as against 10% taken by the Tribunal. The Tribunal has rightly applied multiplier '11' considering the age of the claimant as 54 years. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.17,000} \times 12 \times 11 \times 14\% = \text{Rs.3,14,160/-}$$

11. The claimant has sustained open type 2 left both bone leg fracture and considering the same the compensation awarded towards pain and suffering is just and proper. The Tribunal has not awarded compensation towards loss of amenities. The claimant is entitled to loss of amenities in a sum of Rs.30,000/-. The Tribunal has awarded loss of income during laid up period for three



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months. As now the income taken is Rs.17,000/- the claimant is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000 x 3 months). The compensation awarded by the Tribunal towards medical expenses and attendant and conveyance charges is just and proper. PW.3- Doctor has stated that the claimant has to undergo surgery for removal of implants and estimated the cost at Rs.25,000/-. Therefore, the compensation awarded towards future medical expenses in a sum of Rs.10,000/- requires to be enhanced to Rs.25,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	3,14,160/-
02.	Pain and suffering	75,000/-
03.	Loss of amenities	30,000/-
04.	Medical expenses	15,952/-
05.	Loss of income during laid up period	51,000/-
06.	Attendant and conveyance charges	20,000/-
07.	Future medical expenses	25,000/-
	Total	5,31,112/-



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13. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,31,112/- as against Rs.3,88,252/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,42,860/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

14. 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.1,42,860/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 47
Ct.sm