



CNR: KAHC010095032025

NC: 2026:KHC:45546
MFA No. 1102 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1102 OF 2025 (MV-I)

BETWEEN:

SRI. VENKATARAMANA R.S.
ALIAS VENKATARAVANA R.S.
S/O LATE SEENAPPA,
NOW AGED ABOUT 31 YEARS,
RESIDING AT REDDEMPALLI VILLAGE,
KASHETTIPALLI POST, SRINIVASAPUR TLAK, KOLAR DISTRICT.

...APPELLANT

(BY SMT. SUSHMITHA G., ADVOCATE)

AND:

1. SRI. BAYYAREDDY V.
S/O LATE VENKATARAMANAPPA,
MAJOR IN AGE,
RESIDING AT DEEVIREDDYPALLI VILLAGE,
LAKSHMIPURA POST, SRINIVASAPUR TALUK,
KOLAR DISTRICT - 563 135.
2. UNITED INDIA INSURANCE COMPANY LIMITED
REGIONAL OFFICE, 5TH FLOOR,
KRISHI BHAVANA, NRUPATHUNGA ROAD,
HUDSON CIRCLE, BENGALURU - 560 001.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2;
VIDE ORDER DATED 12.11.2025, NOTICE TO R1 IS
DISPENSED WITH)

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



NC: 2026:KHC:45546
MFA No. 1102 of 2025

CNR: KAHC010095032025

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.02.2023 PASSED IN MVC NO.7911/2019 ON THE FILE OF THE XII ADDITIONAL JUDGE AND ACMM, SMALL CAUSES COURT AND MACT, BENGALURU, (SCCH-8), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR FINAL HEARING, 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 16.02.2023 passed in MVC No.7911/2019 by XII Additional Judge and ACMM, Court of Small Causes and MACT, Bengaluru (SCCH-8).

2. 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 20.06.2019 contending that the accident occurred due to rash and



NC: 2026:KHC:45546
MFA No. 1102 of 2025

negligent driving by the driver of Tractor bearing registration No.KA-07-TA-1019.

3. 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:

Sl. No.	Particulars	Amount
1.	loss of future income	Rs. 1,99,920/-
2.	pain and sufferings	Rs. 40,000/-
3.	Medical expenses	Rs. 1,57,534/-
4.	Loss of amenities	Rs. 40,000/-
5.	Loss during laid down period	Rs. 70,000/-
6.	Food, nourishment and travel expenses	Rs. 15,000/-
7.	Future medical expenses	40,000/-
	Total	Rs. 5,62,454/-

4. The Tribunal has also awarded the interest at the rate of 9% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.



CNR: KAHC010095032025

NC: 2026:KHC:45546
MFA No. 1102 of 2025

5. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

6. Learned counsel for the appellant would contend that, the claimant has sustained fracture of both bones of right leg and P.W.2 - Doctor who has treated the claimant has examined him and assessed his disability at 46.6% to the right lower limb and 15.5% disability to the whole body. But the Tribunal has erred in taking the disability of the claimant only at 7% to the whole body. Therefore, she prayed for taking the disability on higher side considering the evidence of Doctor. She further submits that, the compensation awarded under other heads is just and proper. With these, she prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that, the Doctor who assessed the disability had seen the X-ray before examining the claimant and the fractures are united and considering the same, the



CNR: KAHC010095032025

NC: 2026:KHC:45546
MFA No. 1102 of 2025

Tribunal has rightly taken the disability at 7%. He further submits that, the interest at 9% is on higher side. With these, he prayed for dismissal of the appeal.

8. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment, Award and Trial Court records.

9. The claimant has sustained Type III B compound fracture both bones right leg and fracture lateral condyle right femur. P.W.2 - Doctor who has treated the claimant has examined and assessed his disability at 46.6% to the right lower limb and 15.5% disability to the whole body. P.W.2 - Doctor has admitted in his cross-examination, the fractures are united as per Ex.P85. The Doctor has also admitted that he had seen the x-ray taken prior to Ex.P85 at the time of assessment of disability.



10. Considering the said evidence of Doctor and that the avocation of the claimant as Driver, the functional disability is to be taken at 10% as against 7% taken by the Tribunal. The Tribunal has rightly applied multiplier '17' since the age of the claimant is twenty six (26) years. In view of the same, loss of future income due to disability is calculated as under:

$$\text{Rs.14,000/-} \times 12 \times 17 \times 10\% = \text{Rs.2,85,600/-}$$

11. The compensation awarded under other heads is just and proper.

12. Considering all the above aspects, the claimant is entitled to loss of future income in a sum of Rs.2,85,600/- as against Rs.1,99,920/- awarded by the Tribunal with interest.

13. Consequently, the claimant is entitled to enhanced compensation of Rs.85,680/- (Rs.2,85,600/- - Rs.1,99,920/-) with interest at the rate of 6% per annum from the date of petition till realisation.



CNR: KAHC010095032025

14. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

15. The appellant/claimant is not entitled to interest for the delay period of 618 days in filing the appeal as per order dated 12.11.2025 passed on I.A.No.1/2025.

16. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.85,680/- 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 compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*



CNR: KAHC010095032025

NC: 2026:KHC:45546
MFA No. 1102 of 2025

- v) *The appellant/claimant is not entitled to interest for the delay period of 618 days in filing the appeal.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 13