



CNR: KAHC010124452025

NC: 2026:KHC:43285
MFA No. 1396 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1396 OF 2025
(MV-I)

BETWEEN:

SRIDHARA B.
S/O BASAVARAJAPPA,
AGED ABOUT 30 YEARS,
R/O KARTHIKEYANAHATTI,
CHITRADURGA - 577 501.

...APPELLANT

(BY SRI. PRAKASHA H.C., ADVOCATE)

AND:

1. GANGADHARA N.R.
S/O RUDRAMUNI,
MAJOR,
R/O #6/1, 1ST CROSS,
SANNAKKIBAYALU, VRUSHABHAVATHI NAGARA,
BENGALURU - 560 079.

2. THE BRANCH MANAGER,
HDFC ERGO GENERAL INSURANCE COM.LTD.,
BRANCH OFFICE, 25/1, 2ND FLOOR,
BUILDING NO.2, SHANKARANARAYAN BUILDING,
RAHEZA TOWER, M.G.ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2;
VIDE ORDER DATED 10.07.2026, NOTICE TO R1 IS
DISPENSED WITH)

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



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 04.09.2024 PASSED IN MVC NO.104/2021 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT, NO.IV, CHITRADURGA, 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 04.09.2024 passed in MVC No.104/2021 by I Additional Senior Civil Judge and Additional MACT-IV, Chitradurga.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.



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3. 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 15.12.2020 contending that the accident occurred due to rash and negligent driving by the rider of motorcycle bearing registration No.KA-04/JU-9089.

4. 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 income due to disability	Rs. 3,54,960/-
2.	Pain and suffering	Rs. 10,000/-
3.	Medical expenses	Rs. 89,966/-
4.	Loss of income during laid-up period (calculated for one month)	Rs. 14,500/-
5.	Food and nourishment	Rs. 10,000/-
6.	Attendant charges	Rs. 10,000/-
7.	Loss of amenities	Rs. 10,000/-
	Total	Rs. 4,99,426/-



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5. The Tribunal has also awarded the interest at the rate of 6% 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.

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

7. Learned counsel for the appellant would contend that, the claimant has sustained fracture of both bones of left leg and considering the same, the compensation awarded towards pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. The claimant has been fixed with implants and for removal of the same, he has to undergo operation and the Tribunal has not awarded future medical expenses. He further submits that, the compensation



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awarded for loss of future income is just and proper. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

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

10. The injuries sustained by the claimant as mentioned in Ex.P7 - Wound Certificate are that fracture of both bones distal 1/3rd of left leg and lacerated wound. Considering the said fractures, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.10,000/- requires to be enhanced to Rs.60,000/-, loss



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of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.40,000/-.

11. Considering the said fractures, the claimant has to take rest at least for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.43,500/- (Rs.14,500 X 3) as against Rs.14,500/- awarded by the Tribunal.

12. The Tribunal has rightly awarded medical expenses, attendant and conveyance charges, food, nourishment etc.

13. The claimant has been fixed with implants and for removal of the same, he has to undergo operation and therefore, he is entitled to future medical expenses of Rs.30,000/-.

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



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Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 3,54,960/-
2.	Pain and suffering	Rs. 60,000/-
3.	Medical expenses	Rs. 89,966/-
4.	Loss of income during laid-up period	Rs. 43,500/-
5.	Food and nourishment	Rs. 10,000/-
6.	Attendant and conveyance charges	Rs. 10,000/-
7.	Loss of amenities	Rs. 40,000/-
8.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 6,38,426/-

15. The claimants are entitled to total compensation of Rs.6,38,426/- as against Rs.4,99,426/- awarded by the Tribunal with interest.

16. Consequently, the claimant is entitled to enhanced compensation of Rs.1,39,000/- (Rs.6,38,426/- - Rs.4,99,426/-).

17. The claimant is not entitled to interest on future medical expenses of Rs.30,000/-. Therefore, the claimant is entitled to interest at the rate of 6% per annum for a sum of Rs.1,09,000/- from the date of petition till realisation.



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18. The appellant/claimant is not entitled to interest for the delay period 68 days in filing the appeal as per order dated 22.01.2026 passed on I.A.No.1/2025.

19. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

20. 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.1,39,000/-.*
- iii) *The appellant/claimant is entitled to interest at the rate of 6% per annum for a sum of Rs.1,09,000/- from the date of petition till realisation.*
- iv) *Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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- v) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*
- vi) *The appellant/claimant is not entitled to interest for the delay period 68 days in filing the appeal.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 51