



CNR: KAHC010125172024

NC: 2026:KHC:40463
MFA No. 1467 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1467 OF 2024

(MV-I)

BETWEEN:

SRI MARISH
S/O D M RUDRAPPA
AGED ABOUT 38 YEARS
R/AT No. 228/1
SUN CITY ROAD
OPP. SPLENDER APARTMENT
K .S. TOWN
BENGALURU – 560 060.

...APPELLANT

(BY SRI NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

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

1. RAJASHEKAR S
S/O SUBRAMANI
MAJOR
No.2/336, THIRUMANGALAM
KANDIGAI, THIRUANGALAM
SRIPERUMABAR TALUK
KPM DISTRICT.
2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED,
KRISHI BHAVAN
6TH FLOOR, HUDSON CIRCLE



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NRUPATHUNGA ROAD
BENGALURU – 560 001.

(POLICY No. 071600311P112860199
VALID FROM 03-01-2020 TO 02-01-2021)

...RESPONDENTS

(BY SRI Y K SHESHAGIRI RAO, ADVOCATE FOR R1
V/O DTD. 11.06.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:04.12.2023 PASSED IN MVC No.2757/2020 ON THE FILE OF THE XXI ADDITIONAL SCJ AND ACMM, MEMBER, MACT, BENGALURU SCCH-23, 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 04.12.2023 passed in MVC No.2757/2020 by the XXI Addl.Small Cause Judge and MACT, Bangalore (SCCH-23).



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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.

3. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 25.07.2020 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.TN-72-BA-1370. The Tribunal after recording the evidence, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income due to disability	Nil
02.	Attendant charges, extra nutritious food and conveyance charges	10,500.00
03.	Pain and sufferings	50,000.00
04.	Loss of income during laid-up period	58,000.00
05.	Medical expenses	38,500.00
06.	Loss of future amenities and happiness	60,000.00



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07.	Future medical expenses	Nil
	Total	2,17,000.00

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed 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 has not awarded loss of future income due to disability only on the ground that PW.3 is not a treated Doctor and fracture of clavicle does not lead to any disability. He submits that PW.3 in his evidence has stated that fracture of clavicle is malunited and x-ray of left foot shows united 2nd, 3rd and 4th metatarsal fracture. Considering the said evidence the disability as stated by the Doctor has to be taken at 9% to the whole body and



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loss of future income has to be awarded. The accident occurred in the year 2020 and notional income taken for the said year is Rs.14,500/- and multiplier applicable is '16'. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 / insurer would contend that the Tribunal considering the fracture of clavicle bone and that the evidence of Doctor who has assessed the disability is not a treated Doctor has rightly come to the conclusion that claimant is entitled to loss of future income due to disability. With this he prayed to dismiss the appeal .

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

9. PW.3 is the Doctor who has examined the claimant and assessed his disability. He has stated in his evidence that recent X-ray of the left shoulder shows malunited clavicle fracture and X-ray of left foot shows united 2nd 3rd and 4th metatarsal fracture. PW.3 has stated



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that claimant is having 28% disability to the left arm and whole body disability at 9%. The claimant is a Driver by avocation and there is malunited clavicle fracture which affects his functioning as a Driver. The Tribunal has erred in not awarding loss of income due to disability. Therefore, the claimant is entitled to loss of future income due to disability. The notional income for the year 2020 is Rs.14,500/- and the age of the claimant is 34 years and multiplier applicable is '16'. Therefore, loss of future income due to disability is calculated as under:

$$\text{Rs.14,500} \times 12 \times 16 \times 9\% = \text{Rs.2,50,560/-}$$

10. Considering the said aspect, the claimant is entitled to enhanced compensation of Rs.2,50,560/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,50,560/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced amount with interest within a period of six weeks from this day.
- iv) Appellant / claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 42
Ct.sm