



CNR: KAHC010127632025

NC: 2026:KHC:42501
MFA No. 1451 of 2025

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. 1451 OF 2025

(MV-I)

BETWEEN:

SRI A SRINIVASA
S/O ANDANAPPA
AGED ABOUT 61 YEARS
No.10, 1ST CROSS, M.R. LAYOUT
NEAR ROCKLINE STUDIO
NAGASANDRA POST
BENGALURU – 560 073.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI MAHADEVA SWAMY P, ADVOCATE)

AND:

1. THE MANAGER
MAGMA HDI GEN. INS. Co. LTD
No.36, 1ST FLOOR
H. M. ASTRID, J.C. ROAD
BENGALURU-560 001.
2. SRI T. VENKATA SUBBAIAH
S/O TURAKA KRISHNAIAN
No.6/128, VINAYAKA NAGAR



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PENAGALUR-KADAPA, PENAGALUR
KADAPA-516 127.

...RESPONDENTS

(BY SRI B C SHIVANNE GOWDA, ADVOCATE FOR R1
R2-T V VENKATA SUBBAIAH-SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:30.11.2024 PASSED IN MVC No.4229/2023 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER, MACT, BENGALURU (SCCH-11), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 30.11.2024 passed in MVC No. 4299/2023 by the I Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-11).

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 17.06.2023 due to the rash and negligent driving by the



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rider of motorcycle bearing registration No. AP-39-JC-2442. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards injury pain and suffering	Rs.50,000.00
2	Towards Medical expenses	Rs.7,98,418.00
3	Towards Food and extra nourishment and medical attendant	Rs.5,000.00
4	Towards conveyance	Rs.10,000.00
5	Towards loss of income during treatment	Rs.65,520.00
6	Deprivation of future amenities	Rs.20,000.00
7	Towards future medical expenses	Rs.30,000.00
	Total	Rs.9,78,938.00

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.



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4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

5. Learned counsel for appellant would contend that claimant was working as a Daftari in a Bank and he was aged 59 years as on the date of accident. He was admitted in the hospital for 10 days and he took rest for seven months by availing different kinds of leave. P.W.3 – Doctor who has examined him has stated that his whole body disability is 24.1%. The Tribunal has not awarded any compensation for 'loss of future income due to disability' on the ground that claimant got same income even after the accident. The compensation awarded by the Tribunal under the heads 'pain and suffering' and 'loss of amenities' is on lower side. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that the claimant got the same income even after the accident and therefore the Tribunal has rightly not awarded loss of future income due to disability.



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Compensation awarded under all heads is just and proper and there are no grounds for enhancement of the compensation.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

8. The accident occurred on 17.06.2023 and as on the date of accident the claimant was aged 59 years and he was working as a Daftari in a Bank. Even though as per the evidence of P.W.3 – Doctor claimant has sustained 24.1% disability to the whole body, the Tribunal has not awarded loss of income due to disability since the claimant was getting same income even after the accident. The Tribunal has rightly considered the said aspect.

9. Claimant has sustained communitied fracture of tibia and fibula mid shaft left leg, fracture of both bones left forearm and fracture of left humerus. Considering the said injures, compensation awarded by the Tribunal for 'pain and suffering' in a sum of Rs.50,000/- requires to be



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enhanced to Rs.1,50,000/- and 'loss of amenities' in a sum of Rs.20,000/- requires to be enhanced to Rs.1,00,000/-.

10. Claimant was admitted to the hospital for 10 days and considering the same the compensation awarded by the Tribunal towards 'attendant and conveyance charges' is just and proper. Since the claimant has availed leave and got salary for the leave period, the Tribunal has rightly awarded loss of income during laid up period only for the period for which he did not get salary. The Tribunal has rightly awarded future medical expenses of Rs.30,000/- as claimant had to undergo surgery for removal of implant.

11. Considering the above aspects claimant is entitled to enhanced compensation of Rs.1,80,000/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.



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12. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,80,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 1 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 16
Ct.sm