



CNR: KAHC010130142023

NC: 2026:KHC:41888
MFA No. 1626 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1626 OF 2023

(MV-I)

BETWEEN:

SMT. CHANDRIKA
W/O RAGHURAMA BANGERA
AGED ABOUT 41 YEARS
R/AT BHOOMIKA NIVASA
KUNTIBAILU POST
MIYYAR VILLAGE
KARKALA TALUK – 574 107.

...APPELLANT

(BY SMT. SHRIDEVI A SHETTY, ADVOCATE FOR
SRI DHANANJAY KUMAR, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SRI T G SRINIVAS
AGED ABOUT 47 YEARS
S/O SRI GOVINDA GOWDA
R/AT No.1074, 8TH CROSS
B S K, 1ST STAGE, 2ND BLOCK
BANGALORE – 560 050.
2. THE BRANCH MANAGER
BHARTI AXA GENERAL INS CO. LTD.,
REGISTERED OFFICE 1ST FLOOR
FERNS ICON, SURVEY No. 28



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DODDANEKUNDI
BANGALORE - 570 037.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
R-1 T G SRINIVAS -SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:01.10.2021
PASSED IN MVC No.628/2020 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ACJM, KARKALA, UDUPI, 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 appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 01.10.2021 passed in MVC No.628/2020 by
the Senior Civil Judge and AMACT, Karkala, Udupi.

2. The appellant/claimant made a claim petition
praying to award compensation for the injuries sustained
by her in a road traffic accident occurred on 25.01.2020
contending that the accident occurred due to rash and



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negligent driving of the driver of Mahindra XUV 500 bearing Regn.No.KA-51-MF-6363. 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 sufferings	75,000/-
02.	Towards conveyance, attendant charges and nourishing food	20,000/-
03.	Towards loss of income during laid up period	27,000/-
04.	Loss of future income	1,13,400/-
05.	Medical expenses	1,61,540/-
06.	Future medical expenses	25,000/-
	Total	4,21,940/-

4. The Tribunal also awarded interest @ 7% p.a. from the date of petition till realization and directed the 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.



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6. Learned counsel for appellant would contend that claimant has sustained two fractures and underwent two surgeries. PW.2-Doctor has stated that she has to take rest for six months. Considering the said aspect, the compensation awarded towards loss of income during laid up period is on lower side. The Doctor has stated that the claimant has to undergo surgery for removal of implants and the cost of the same is Rs.35,000/-. Considering the same the compensation awarded for future medical expenses is on lower side. The Tribunal has taken notional income at Rs.9,000/- p.m. But as per the chart prepared by the Karnataka State Legal Services Authority, the notional income for the year 2020 is Rs.14,500/-. With this she prayed to allow the appeal.

7. 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.



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

9. The Tribunal has taken income of the claimant at Rs.9,000/- p.m. The accident occurred on 25.01.2020 and the claimant was aged 38 years as on the date of accident. The notional income fixed by the Karnataka State Legal Services Authority for the year 2020 is Rs.14,500/- p.m. and the said income is to be taken as against Rs.9,000/- taken by the Tribunal. The Tribunal has rightly taken disability @ 7% and applied multiplier '15'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.14,500} \times 12 \times 15 \times 7\% = \text{Rs.1,82,700/-}$$

10. As per Ex.C5 – disability certificate, the claimant has sustained the following injuries:

- Supracondylar # (R) Femur
- #L/E of (R) Radius



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11. PW.2 – Doctor has stated that the claimant has to take rest atleast for six months. The Tribunal has awarded loss of income during laid up period for 3 months. Considering the evidence of Doctor and the fracture sustained by the claimant she has to take rest atleast for five months and therefore, she is entitled to loss of income during laid up period in a sum of Rs.58,000/- (Rs.14,500 x 5 months). The Tribunal has not awarded loss of amenities. Considering the injuries sustained, the claimant is entitled to loss of amenities in a sum of Rs.50,000/-

12. The Tribunal has rightly awarded pain and suffering, attendant charges and medical expenses. The Doctor has stated that the claimant has to undergo surgery for removal of implant and cost of the said surgery is Rs.35,000/- Considering the same, the claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.25,000/- awarded by the Tribunal.



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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards pain and sufferings	75,000/-
02.	Towards conveyance, attendant charges and nourishing food	20,000/-
03.	Towards loss of income during laid up period	58,000/-
04.	Loss of future income	1,82,700/-
05.	Medical expenses	1,61,540/-
06.	Future medical expenses	30,000/-
07.	Loss of amenities	50,000/-
	Total	5,77,240/-

14. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,77,240/- as against Rs.4,21,940/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,55,300/- 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. The claimant is not entitled to interest for the delay period of 273 days in filing the appeal.



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15. 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.1,55,300/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.
- v) The claimant is not entitled to interest for delay of 273 days in filing the appeal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 28
Ct.sm