



CNR: KAHC010151302026

NC: 2026:KHC:47083
MFA No. 1602 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1602 OF 2026

(MV-I)

BETWEEN:

SRI M SUMANTHA
S/O M.MANJESH
AGED ABOUT 28 YEARS
RESIDENT OF NEAR
PANDAVAPURA SUGAR FACTORY
KENNALU VILLAGE, PANDAVAPURA TALUK
MANDYA DISTRICT-571 401.

...APPELLANT

(BY SRI RAJA L, ADVOCATE)

AND:



Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SMT. DEVAMMA
W/O VENKATESHA
AGED ABOUT 40 YEARS
RESIDING AT ARATHI UKKADA VILLAGE
SRIRANGAPATNA TALUK
MANDYA DISTRICT-571 401.
2. THE BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD.,
No.2912, SRI VENKATESHWARA PLAZA
1ST MAIN, SARASWATHIPURAM
MYSURU CITY-570 001.



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3. SRI BASAVARAJU
S/O SOMASHEKHARACHAR
AGED ABOUT 50 YEARS
RESIDING AT DOOR No.69,
THAREANIMANTI, H.D.KOTE TALUK
MYSURU DISTRICT-570 001.

...RESPONDENTS

(BY SMT. MANJULA N TEJASWI, ADVOCATE FOR R2
V/O DTD. 15.06.2026, NOTICE TO R1 AND R3
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:11.08.2025
PASSED IN MVC No.1312/2022 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC AT PANDAVAPURA, 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 11.08.2025 passed in MVC No.1312/2022 by
the Senior Civil Judge and MACT, Pandavapura.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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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 10.08.2022 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-03-B-2179. 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 loss of future income	1,64,808/-
02.	Towards pain and suffering	25,000/-
03.	Towards nourishment and diet expenses	15,000/-
04.	Towards attendance and conveyance charges	15,000/-
05.	Towards loss of income during laid up period	35,200/-
06.	Towards loss of amenities	15,000/-
07.	Towards medical bills	1,28,866/-
08.	Towards future medical expenses	30,000/-
	Total	4,28,874/-



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 appellants would contend that the claimant has sustained fracture of left femur with heel pad avulsion injury left side and laceration over the left shoulder. The compensation awarded towards pain and suffering and loss of amenities is on lower side. The claimant has been admitted in the hospital for 22 days. Considering the same the compensation awarded towards attendant charges, food and nourishment is just and proper. The accident occurred in the year 2022 and the notional income fixed for the said year is Rs.15,500/- p.m. and that is to be taken as against the income taken by the



Tribunal. The Doctor who examined the claimant has stated that the claimant has sustained 19.7% total disability and Tribunal has taken 6.5% and the same is on lower side. With this he 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 accident occurred on 10.08.2022 and as on the date of accident, claimant was aged 22 years. The notional income fixed for the year 2022 by the Karnataka State Legal Services Authority is Rs.15,500/- p.m. and that is to be taken as against Rs.11,733.20 taken by the Tribunal. The Tribunal has rightly taken multiplier '18' since the claimant is aged 22 years.



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10. The claimant has sustained fracture of left femur with heel pad avulsion injury left side and laceration over the left shoulder. Considering the said injuries, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.25,000/- requires to be enhanced to Rs.50,000/- and loss of amenities in a sum of Rs.15,000/- requires to be enhanced to Rs.30,000/-.

11. The claimant was admitted in the hospital for 22 days and the compensation awarded towards attendant and conveyance charges, nourishment and diet is just and proper. The Tribunal has awarded loss of income during laid up period for three months. As now the income taken is Rs.15,500/-, loss of income during laid up period will come to Rs.46,500/- (Rs.15,500 x 3 months). The Tribunal has rightly awarded future medical expenses in a sum of Rs.30,000/- and medical expenses of Rs.1,28,866/-.

12. PW.2 – Doctor who has examined the claimant assessed his disability and stated that claimant has



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sustained 19.7% disability to the lower limb. Considering the same, the Tribunal has rightly taken whole body disability at 6.5% which is 1/3rd disability of the limb. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	2,17,620/-
02.	Pain and suffering	50,000/-
03.	Loss of amenities	30,000/-
04.	Attendant and conveyance charges	15,000/-
05.	Nourishment and diet expenses	15,000/-
06.	Loss of income during laid up period	46,500/-
07.	Future medical expenses	30,000/-
08.	Medical expenses	1,28,866/-
	Total	5,32,986/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,32,986/- as against Rs.4,28,874/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,04,112/- with interest @ 6% p.a. from the date of petition till realization. Respondent



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

14. 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.1,04,112/- 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.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**