



CNR: KAHC010167362025

NC: 2026:KHC:42346
MFA No. 1873 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1873 OF 2025
(MV-I)

BETWEEN:

BABY TANMAYI
D/O. B. N. HARISH RAJ,
AGED ABOUT 13 YEARS,
R/AT NO.301, 2ND CROSS,
2ND BLOCK, SRI MATAJI TEMPLE,
KODIGEHALI COLONY, KODIGEHALI,
BANGALORE - 560 091,
SINCE APPELLANT IS MINOR
REP. BY HER NATURAL GUARDIAN
FATHER OF APPELLANT MR. B.N. HARISH RAJ,
S/O. MUNIYAPPA,
AGED ABOUT 35 YEARS.

...APPELLANT

(BY SRI. RANGEGOWDA N.R., ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. AKSHITH NARAYAN
S/O. SHANKAR NARAYAN,
AGED MAJOR,
R/AT NO.03, SUBHADRA APP.
NO.18/1-2, 60 FEET ROAD,
NHCS LAYOUT, PRASHANTH NAGAR,
BENGALURU - 560 079.
2. THE NEW INDIA ASSURANCE CO. LTD.,
REP. BY ITS MANAGER,



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R/AT NO.2B, UNITY BUILDING ANNEX,
P. KALINGA RAO ROAD, MISSION ROAD,
BANGALORE - 560 027.

...RESPONDENTS

(BY SRI. SHARANAPPA GOUDA MALIPATIL, ADVOCATE FOR R2;
VIDE ORDER DATED 29.01.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 21.11.2024
PASSED IN MVC NO.3311/2022 ON THE FILE OF THE XXIII
ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU
(SCCH-25) 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 21.11.2024 passed in MVC



No.3311/2022 by XXIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-25).

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.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident which took place on 21.05.2022 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-02-MQ-4562.

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:



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Sl. No.	Compensation Heads	Amount
1.	Pain and suffering already undergone and to be suffered in future including loss of comforts amenities on account of disability.	Rs. 1,00,000/-
2.	Discomforts, inconvenience and Loss of earnings of the parent during the laid up period	Rs. 40,000/-
3.	Medical Bills	Rs. 20,042/-
4.	Conveyance, attendant and nourishment etc.	Rs. 20,000/-
	Total	Rs. 1,80,042/-

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 was aged 10 years as on the



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date of accident and he has suffered two fractures and P.W.3 - Doctor has assessed her disability at 46% to the lower limb and 15% to the whole body. The Tribunal erred in taking the disability at 10%. As per the decision of Hon'ble Apex Court in the case of ***HITESH NAGJIBHAI PATEL vs. BABABHAI NAGJIBHAI RABARI & ANR.*** reported in ***(2025) INSC 1070***, the compensation for loss of future income is to be calculated based on the minimum wages. He further submits that the claimant is also entitled to compensation for pain and suffering, loss of amenities and loss of income to the parents during laid up period. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, P.W.3 - Doctor is not a treated Doctor. The claimant is aged 10 years and there are chances of fast recovery of the fractures/injuries sustained by the claimant and P.W.3 - Doctor has admitted the same in his cross-examination. The compensation awarded is



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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 and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.

10. The accident occurred on 21.05.2022 and as on the date of accident, the claimant was aged 10 years. The claimant has sustained right leg distal third both bones fracture. P.W.3 - Doctor has examined the claimant and assessed her disability and stated that the claimant is having right lower limbs disability at 46% and to the whole body at 15%. The Tribunal has taken disability at 10%. Considering that the disability stated by P.W.3 - Doctor and fractures of both bones of right leg sustained by the claimant, the disability is to be taken at 15% as against 10% taken by the Tribunal.



11. Considering that the claimant has sustained two fractures, she is entitled to pain and suffering in a sum of Rs.60,000/-, loss of amenities in a sum of Rs.40,000/-. The claimant has been admitted in hospital for six (06) days and considering the same, the compensation awarded for attendant, conveyance charges etc., in a sum of Rs.20,000/- is just and proper. The Tribunal has rightly awarded medical expenses of Rs.20,042/-. As the claimant is aged 10 years, one of her parents has to take care of her during her treatment and recovery period and therefore the loss of income during laid up period for the parent has to be awarded. As the notional income for the year 2022 is Rs.15,000/-, the loss of income during the laid up period to the parent is to be awarded for three (03) months in a sum of Rs.45,000/- (Rs.15,000/- X 3).

12. The notional income fixed for the year 2022 is Rs.15,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. The injured/claimant is aged 10 years. As per the decision of



Hon'ble Apex Court in the case of **RESHMA KUMARI AND OTHERS vs. MADAN MOHAN AND ANOTHER**, reported in **(2013) SCC ONLINE SC 284**, the multiplier to be applied is '15' in cases where age of the injured is upto 15 years. Since the claimant is aged 10 years, the multiplier applicable is '15'. Therefore loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 15 \times 15\% = \text{Rs.4,05,000/-}$$

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

Sl. No.	Compensation Heads	Amount
1.	Loss of future income	Rs. 4,05,000/-
2.	Pain and suffering	Rs. 60,000/-
3.	Loss of amenities	Rs. 40,000/-
4.	Medical Expenses	Rs. 20,042/-
5.	Attendant and conveyance charges	Rs. 20,000/-
6.	Loss of income to the parent during laid up period	Rs. 45,000/-
	Total	Rs. 5,90,042/-



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14. The claimant is entitled to total compensation of Rs.5,90,042/- as against Rs.1,80,042/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.4,10,000/- (Rs.5,90,042/- - Rs.1,80,042/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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

17. 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.4,10,000/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with*



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interest before the Tribunal within a period of six weeks from this day.

- iv) *The entire enhanced compensation is ordered to be kept in Fixed Deposit in Karnataka Bank, City Civil Court Branch, Bengaluru, till the claimant attains the age of majority.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 37