



CNR: KAHC010176092025

NC: 2026:KHC:45766
MFA No. 1894 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1894 OF 2025

(MV-I)

BETWEEN:

RAJU M M
S/O MANJABOYI
AGED ABOUT 28 YEARS
R/O-MARITHIMMANAHALLI VILLAGE
DODDAMAGGE HOBLI
ARAKALAGUD TALUK
HASSAN DISTRICT-573 102.

...APPELLANT

(BY SRI SANCHAN JAI NANDAN, ADVOCATE)

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

AND:

1. DILIP BUILDCON LTD.
PLOT No. 5, INSIDE GOVIND NARAYAN
SINGH GATE CHUNA BHATTI
KOLAR ROAD, BHOPAL
BHOPAL DISTRICT
MADHYA PRADESH STATE – 4620 16.
2. THE MANAGER,
NATIONAL INSURANCE CO. LTD.,
REPRESENTED BY



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NATIONAL INSURANCE CO. LTD.,
MANJUNATHA COMPLEX
HASSAN-573 201.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N AN, ADVOCATE FOR
SRI C SHANKAR REDDY, ADVOCATE FOR R2
V/O DTD. 12.11.2025, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:03.04.2021
PASSED IN MVC No.274/2019 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND MEMBER, MACT, ARAKALAGUD, 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

1. This appeal is filed by the claimant seeking
enhancement of compensation awarded in the judgment
and award dated 03.04.2021 passed in MVC No. 274/2019
by the Senior Civil Judge and Member, MACT, Arakalagud.

2. Appellant – claimant made a claim petition
praying to award compensation for the injuries sustained



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by him in a road traffic accident that occurred on 06.07.2017 due to the rash and negligent driving by the driver of tipper lorry bearing registration No. KA-09-C-1675. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain, shock and agony	Rs.25,000.00
2	Medical expenses	Rs.99,900.00
3	Food, diet, attendant, nourishment, conveyance and other incidental expenses	Rs.20,000.00
4	Loss of income during treatment period	Rs.24,000.00
5	Loss of future income due to permanent disability	Rs.1,55,520.00
6	Disappointment, discomfort and loss of amenities	Rs.10,000.00
	Total	Rs.3,34,420.00

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.

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

5. Learned counsel for appellant would contend that claimant had suffered facial injuries and fracture of alveolar process of mandibular symphysis with displacement of fracture fragment along with teeth injury. Considering the same, the compensation awarded by the Tribunal towards 'pain and suffering' and 'loss of amenities' is on lower side. The Doctor who has examined the claimant has assessed the disability and stated that claimant is having 27% disability to the head and the Tribunal has taken 1/3rd of the same at 9% to the whole body and it is on lower side. The Tribunal has taken the notional income of the claimant at Rs.8,000/-. As the accident has taken place in the year 2017 notional income fixed by the Karnataka State Legal Services Authority for



the year 2017 is Rs.11,000/- and the said income is to be taken as against Rs.8,000/- taken by the Tribunal. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that the compensation awarded by the Tribunal 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 and award.

8. The accident occurred on 06.07.2017 and as on the date of accident the claimant was aged 25 years. Notional income fixed for the year 2017 is Rs.11,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority and the said income is to be taken as against Rs.8,000/- taken by the Tribunal. Considering the injuries sustained by the claimant on his face, the Doctor – P.W.2 has assessed the disability at 27% in relation to a particular part, i.e., head. Considering



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the same, the Tribunal has taken $1/3^{\text{rd}}$ of the same at 9% as disability to the whole body. The Tribunal has rightly applied multiplier of 18 since the claimant was aged 25 years as on the date of accident. Therefore, loss of dependency is calculated as under:

$$11,000 \times 12 \times 18 \times 9\% = \text{Rs.}2,13,840/-$$

9. Claimant had sustained the following injuries:

- i. Swelling of lower lip and chin
- ii. Sutured wound of 3 x 2 cms over below lower lip
- iii. Fracture of alveolar process of mandibular symphysis with displacement of fracture fragment along with teeth injury

10. Considering the above said injuries, disability suffered and injuries on the face, 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.10,000/- requires to be



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enhanced to Rs.50,000/-. The Tribunal has rightly awarded medical expenses and attendant charges, conveyance, food and nourishment.

11. The Tribunal has awarded loss of income during laid up period for 3 months. Since income now taken is Rs.11,000/- claimant is entitled to loss of income during laid up period in a sum of Rs.33,000/- (Rs.11,000 X 3 months).

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

1	Future income	Rs.2,13,840.00
2	Pain and suffering	Rs.50,000.00
3	Loss of amenities	Rs.50,000.00
4	Medical expenses	Rs.99,900.00
5	Food, attendant, nourishment and conveyance charges	Rs.20,000.00
6	Loss of income during laid up period	Rs.33,000.00
	Total	Rs.4,46,740.00



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13. Considering the above aspects claimant is entitled to total compensation of Rs.4,46,740/- with interest as against Rs.3,34,420/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.1,32,320/-. Claimant is not entitled to interest for the delay period of 1018 days in filing the appeal as per the order dated 12.11.2025 passed on I.A. No. 1/2025. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,32,320/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant – Claimant is not entitled to interest for the delay period of 1018 days.



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- d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 15
Ct.sm