



CNR: KAHC010183562026

NC: 2026:KHC:51120
MFA No. 1934 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1934 OF 2026

(MV-I)

BETWEEN:

SRI. SRIKANTH. V. S.
S/O. LATE SRINIVASA V.B
AGED ABOUT 29 YEARS
R/AT. No.E183/1, 1ST MAIN ROAD
KEMPEGOWDANAHAR
T. DASARAHALLI
BENGALURU NORTH-560 057.

...APPELLANT

(BY SRI SIDDARAMAIAH V B, ADVOCATE)

Digitally signed **AND:**

by
PADMAASHREE

SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

1. SRI. RAVI KUMAR. T. N.
S/O. LATE NARASIMHAIAH
AGED ABOUT 66 YEARS
R/AT. NO.U-26, 1ST CROSS
NAGAPPA STREET, PALACE GUTTAHALLI
MALLESHWARAM
BENGALURU - 560 003.
2. TATA AIG GENERAL INSURANCE CO. LTD.,
2ND FLOOR, J.P. AND DEVI
JUMBUKESHWARA ARCADE
No.69 MILLERS ROAD



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BENGALURU - 560 052.
REP. BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI JANARDHAN REDDY, ADVOCATE FOR R2
V/O DTD. 16.03.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:18.03.2025 PASSED IN MVC No.7265/2022 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FURTHER 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 18.03.2025 passed in MVC No. 7265/2022 by the III Additional Judge and Member, MACT, Court of Small Causes, Bengaluru (SCCH-18).

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



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16.07.2022 due to the rash and negligent driving by the driver of Mini Goods vehicle bearing registration No. KA-30-A-1931. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and suffering	Rs.60,000.00
2	Loss of income during laid-up period and rest period	Rs.57,072.00
3	Medical expenses	Rs.2,17,059.00
4	Attendant, Nourishment and Conveyance charges	Rs.15,000.00
5	Reduced eligibility of employment	Rs.3,00,000.00
6	Loss of amenities	Rs.50,000.00
7	Future medication	Rs.30,000.00
	Total	Rs.7,29,131.00

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



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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 the claimant had sustained multiple facial fractures, right knee dislocation with comminuted tibia plafond fracture, medial malleolus fracture right ankle and ankle dislocation. P.W.2 – Orthopedic surgeon has examined the claimant and assessed his disability at 39.46% to the left lower limb and 19.73% to the whole body. P.W.5 – Maxillofacial surgeon has assessed the disability and stated that the whole body disability is 12%. Therefore, disability is to be taken at 19.73 % + 12 %. Claimant was admitted in the hospital for 15 days and he had taken treatment in 4 different hospitals. P.W.6 is the employer of the claimant and he has stated that claimant had left the job due to accidental injuries and therefore, there is loss of



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future income of the claimant. The Tribunal has not awarded any compensation towards loss of future income due to disability. The Tribunal has rightly taken the income of the claimant at Rs.28,536/-. Considering the age of the claimant multiplier applicable is `18'. He further submits that the compensation awarded towards pain and suffering, loss of amenities and loss of income during laid up period are on lower side. With this, he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that the claimant has not placed any evidence on record that due the accidental injuries he was removed from job. Considering the same, the Tribunal has not awarded loss of future income due to disability. Compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement. In cases of disability to the lower limb 1/3rd of the same is to be taken to the whole body. With this he prayed to dismiss the appeal.



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

8. The accident occurred on 16.07.2022 and as on the date of accident claimant was aged 25 years. He was working as an Executive at Jubilant Motor Works Limited. The Tribunal, considering the evidence on record, has rightly taken the income of the claimant at Rs.28,536/- per month.

9. Claimant had sustained the following injuries:

Multiple facial fractures, right knee dislocation with comminuted tibia plafond fracture, medial malleolus fracture right ankle and ankle dislocation

10. P.W.3 is the Orthopedic surgeon who had examined the claimant, assessed his disability and stated that claimant is having 39.46% disability to the right lower limb and 19.73 disability to the whole body. In cases of



any disability to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body. Therefore, disability to the whole body is 13.33% ($\frac{1}{3}^{\text{rd}}$ of 39.46%).

11. P.W.5 is the Maxillofacial Surgeon who has examined the claimant, assessed his facial disability and stated that claimant is having 12% disability to the whole body.

12. Considering the evidence of P.W.3 and P.W.5, disability to the claimant is 25.33% (13.33 + 12). Therefore, disability is rounded of to 25%.

13. P.W.6 is the employer of the claimant and he has given evidence that claimant, due to accidental injuries, had not attended the duties and he was removed from the job. Considering the said aspect, claimant is entitled to loss of future income due to disability and also loss of income during laid up period. Since disability is more than 20%, claimant is entitled to future prospects at 40%.



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14. In view of the above, loss of dependency is calculated as under:

$$28,536 + 11414 (40\%) = \text{Rs.}39,950/-$$

$$39,950 \times 12 \times 18 \times 25\% = \text{Rs.}21,57,300/-$$

15. In view of award of compensation under the head loss of future income due to disability claimant is not entitled to reduced eligibility of employment awarded by the Tribunal in a sum of Rs.3,00,000/-.

16. Considering the injuries noted supra, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- is enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.50,000/- is enhanced to Rs.80,000/-.

17. Considering the injuries sustained by the claimant, he had not attended to his job and therefore he is entitled to loss of income during laid up period for 3 months in a sum of Rs.85,608/- (Rs.28,536 X 3 months).



18. Considering the medical bills and receipts produced, the Tribunal has rightly awarded medical expenses in a sum of Rs.2,17,059/-.

19. Claimant was admitted in the hospital for 15 days and therefore, the Tribunal has rightly awarded attendant, nourishment and conveyance charges in a sum of Rs.15,000/-.

20. The Tribunal, considering that implant has been fixed and for removal of the implant claimant has to undergo surgery, has awarded future medical expenses in a sum of Rs.30,000/-.

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

1	Pain and suffering	Rs.1,00,000.00
2	Loss of amenities	Rs.80,000.00
3	Loss of income during laid up period	Rs.85,608.00
4	Medical expenses	Rs.2,17,059.00
5	Attendant charges	Rs.15,000.00
6	Future medical expenses	Rs.30,000.00
7	Loss of future income	Rs.21,57,300.00
	Total	Rs.26,84,967.00



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22. Considering the above aspects claimant is entitled to total compensation of Rs.26,84,967/- as against Rs.7,29,131/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.19,55,836/- with interest. Claimant is not entitled to interest for the delay period of 253 days in filing the appeal as per order dated 16.03.2026 passed on I.A. No. 1/2026. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

23. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.19,55,836/- 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 253 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 50% of the enhanced compensation. Remaining 50% of the enhanced compensation shall be kept in Fixed Deposit in the name of appellant – claimant in Karnataka Bank, City Civil Court branch, Bengaluru, for a period of 3 years.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 33
Ct.sm