



CNR: KAHC010191332026

NC: 2026:KHC:45300
MFA No. 2016 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2016 OF 2026

(MV-I)

BETWEEN:

SMT. SUDHAMANI,
R/A.CHAMANAHALLI VILLAGE
W/O. LATE MARIGOWDA
AGED 53 YEARS
BANNUR HOBLI, T.NARASIPURA TALUK
MYSURU DISTRICT-571 101.

...APPELLANT

(BY SRI. SANATH KUMARA. K.M, ADVOCATE)

AND:

1. SHRI VASUDEVA
S/O. ANNEGOWDA
AGED 43 YEARS,
R/A. RANGASAMUDRA VILLAGE
AND POST, T.NARASIPURA TALUK,
MYSORE DISTRICT-571 101.
2. THE DIVISIONAL MANAGER
CHOLAMANDALAM MS GENERAL
INSURANCE CO., LTD,
UNIT No.4, 9TH FLOOR(LEVEL-6),
'GOLDEN HIGHTS COMPLEX,
59TH C CROSS, INDUSTRIAL SUBURB,
RAJAJINAGAR 4TH MAIN BLOCK,

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



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BANGALORE-560 018.

COLLECTION OFFICE AT:
SRI RAMA COMPLEX,
SAMPIGE ROAD, URGAN,
CHAMARAJANAGARA, PIN-571 313.

...RESPONDENTS

(BY SRI H C BETSUR, ADVOCATE FOR
V/O DTD. 12.6.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 08.04.2025 PASSED IN MVC
NO. 103/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
CJM, MACT, CHAMARAJANAGAR, 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 08.04.2025 passed in MVC No.103/2023 by
the Senior Civil Judge and MACT, Chamarajanagar.

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 made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 05.02.2023 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-55-R-1752. 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.	Pain and suffering	20,000/-
02.	Medical expenses	44,281/-
03.	Loss of income during laid up period	1,548/-
04.	Future medical expenses	20,000/-
05.	Loss of amenities and discomfort	20,000/-
06.	Food and nourishment	35,000/-
07.	Loss of disability	2,25,060/-
	Total	3,65,889/-



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4. The Tribunal also awarded interest @ 6% 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.

6. Learned counsel for appellant would contend that the claimant has sustained injury to head and CW.1- Doctor who examined him has assessed her disability at 30% and disability taken by the Tribunal at 10% is on lower side. The claimant has been admitted in the hospital for four days. The Tribunal has taken the notional income at Rs.15,500/- p.m. but as per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the same has to be taken. Considering the injuries sustained, the compensation awarded towards pain and suffering,



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loss of amenities is on lower side. Considering the injuries sustained claimant has to take rest atleast for two months and loss of income during laid up period is to be awarded for two months. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Doctor who has assessed the disability is not a treated Doctor and the claimant has taken conservative treatment. The claimant herself has been examined and she has faced cross-examination and that itself indicate that she has not sustained the disability to the extent stated by the appellant. The disability taken by the Tribunal is just and proper and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With this he prayed to dismiss the appeal

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



9. The accident occurred on 05.02.2023 and as on the date of accident the claimant was aged about 56 years and she was a coolie. As per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- p.m. and that has to be taken as against Rs.15,500/- taken by the Tribunal. The Tribunal has rightly applied multiplier '11'. CW.1 is the Doctor who has examined the claimant and assessed the disability at 30% and the Tribunal has taken disability at 10%. The claimant has sustained head injury. The claimant herself has given evidence and faced cross-examination. Considering the said aspect and evidence of the Doctor, the disability is to be taken at 15% as against 10% taken by the Tribunal. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.16,250} \times 12 \times 11 \times 15\% = \text{Rs.3,21,750/-}$$

10. In view of disability taken at 15%, the claimant is not entitled to future prospects as taken by the Tribunal.



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The claimant was diagnosed post traumatic brain injury with SDH along interhemispheric and left tentorial leaflet, subgaleal hematoma high parietal region and scalp soft tissue injury. Considering the head injuries sustained, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- requires to be enhanced to Rs.50,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.30,000/-. The claimant has been admitted in the hospital for four days. Considering the same, the claimant is entitled to attendant and conveyance charges in a sum of Rs.4,000/- (Rs.1000 x 4 days) as against Rs.35,000/- awarded by the Tribunal towards food and nourishment etc. Considering the injuries sustained, the claimant has to take rest atleast for two months and therefore, she is entitled to loss of income during laid up period in a sum of Rs.32,500/- (Rs.16,250 x 2 months). The Tribunal has rightly awarded medical expenses and future medical expenses.



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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Loss of amenities	30,000/-
03.	Medical expenses	44,281/-
04.	Loss of income during laid up period	32,500/-
05.	Future medical expenses	20,000/-
06.	Attendant and conveyance charges	4,000/-
07.	Loss of future income	3,21,750/-
	Total	5,02,531/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,02,531/- as against Rs.3,65,889/- as 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.1,36,642/- 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.

13. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,36,642/- 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

DKB
List No.: 1 Sl No.: 45
Ct.sm