



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2542 OF 2023 (MV-I)

BETWEEN:

1. MASTER YASHWANTH K K
S/O LT KRISHNACHARI
NOW AGED ABOUT 13 YEARS

MINOR APPELLANT IS REPRESENTED
BY NATURAL GUARDIAN / MOTHER
SMT. LAKSHMI
W/O LATE KRISHNACHARI
NOW AGED ABOUT 33 YEARS

BOTH ARE RESIDING AT No.138
NEAR WATER TANK
SEEGEHALLI, KANNAMANGALA
BENGALURU – 560 067.

...APPELLANT

(BY KUM. SUSHMITHA G, ADVOCATE)

AND:

1. SRI. GAJENDRA REDDY
KANAMALA
S/O HARISHCHANDRA REDDY
MAJOR IN AGE
RESIDING AT No. 4-2
BOMMASAMUDRAM
GUDIPALA MANDALAM
CHITTOR DISTRICT
ANDHRA PRADESH 517 132.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



2. M/S NEW INDIA ASSURANCE COMPANY LTD.,
REGIONAL OFFICE
UNITY BUILDING ANNEXE
MISSION ROAD
BENGALURU – 560 027.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI A R LAKSHMI NARAYANA, ADVOCATE FOR R2
V/O DTD. 04.07.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DT.26.11.2021 PASSED IN
MVC No.7122/2017 ON THE FILE OF THE MACT, BENGALURU CITY,
(SCCH-4), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING 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 judgment and award dated
26.11.2021 passed in MVC No.7122/2017 by the XVIII
Addl.Judge, Court of Small Causes, Member, MACT, Bengaluru
(SCCH-4).



2. Even though the appeal is listed for admission, with the consent of learned counsels on both sides, it is taken up for final disposal.

3. The claim petition has been made by the injured minor represented by the natural guardian / mother seeking award of compensation for the injuries sustained by him in a road traffic accident which took place on 25.06.2017 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing Regn.No.AP-02-X-8870. The Tribunal after recording the evidence, appreciated the evidence on record and assessed the compensation and awarded compensation under different heads as under:

Sl.No.	Particulars	Amount (Rs.)
01.	Loss of future income	4,00,000/-
02.	Medical bills	34,726/-
03.	Attendant charges	3,600/-
	Total	4,38,326/-

4. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2 / insurer to deposit the compensation. The



claimant seeking enhancement of compensation has filed the present appeal.

5. Heard the learned counsel for the appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for the appellant would contend that the Tribunal appreciating the evidence on record has rightly held that the claimant has sustained disability @ 53.88%. Even though the Tribunal has rightly assessed the disability but has failed to take into consideration the notional income in calculating loss of future income. The notional income fixed for the year 2017 by the Karnataka State Legal Services Authority is Rs.11,000/-. The claimant is entitled to future prospects @ 40% and multiplier applicable is 18. The claimant has lost one eye and due to the injuries sustained it affects his marriage prospects. Relying upon the decision of the Hon'ble Apex Court in the case of **Riyas vs. P.N.Shinosh and another (2025 LiveLaw (SC) 1094)** learned counsel for the appellant contended that for the injury to the minor



aged 14 years, the Apex Court awarded loss of marriage prospects in a sum of Rs.3,00,000/-. For the injuries sustained, the claimant is entitled for compensation towards pain and suffering, loss of amenities, attendant charges. With this, she prayed to allow the appeal.

7. Learned counsel for respondent No.2 / insurer would contend that the Tribunal has rightly awarded the compensation to the claimants. He placing reliance of the decision of Division Bench of this Court in the case of Muttappa Basavanthappa Mudnur vs. Naveen Kumar.R rendered in MFA No.1342/2022 and connected matter, disposed on 03.06.2026 contends that notional income of the minor is taken into consideration based on the chart prepared by the Karnataka State Legal Services Authority for the relevant year of the accident and multiplier applicable is 18 upto age of 15 years. With this he prayed to dispose of the appeal.



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

9. Appellant/claimant was aged 7 years as on the date of accident i.e. 25.06.2017. The claimant has lost one eye in the accident. PW.2 – Doctor who is an Ophthalmologist at General Hospital, Jayanagar has assessed disability at 53.88%. The claimant has also sustained other injuries. The Tribunal has rightly taken the disability of the claimant at 53.88%. Considering the said aspect, the disability is to be taken at 53%. The claimant is also entitled to future prospects at 40% as per the judgment relied on by the counsel for respondent No.2 and the multiplier applicable is 18. In view of the above, the compensation towards loss of future income is calculated as under:

$\text{Rs.11,000/-} + 40\% (4400) = \text{Rs.15,400/-}$

$\text{Rs.15,400} \times 12 \times 18 \times 53\% = 17,62,992/-$

10. As per the evidence of PW.2 / Doctor, there is deep CLW 10x4 cm over the frontal region with exposed bone. CLW over the face 4 x 2 cm below the nose over the upper lip,



maxillary fracture and nasal bone fracture. PW.2 has also stated that the claimant has lost one eye. Considering the said aspect, pain and suffering has to be awarded to the claimant in a sum of Rs.1,00,000/-. As the claimant has sustained the above noted injuries, loss of amenities has to be awarded in a sum of Rs.50,000/-. The claimant has lost one eye and it affects his marriage prospects. Considering the said aspect and as held by the Hon'ble Apex Court in the case of **Riyaz (supra)** a sum of Rs.3,00,000/- is awarded towards loss of marriage prospects.

11. The Tribunal has rightly awarded medical expenses in a sum of Rs.34,726/-. The claimant has been admitted in the hospital for 12 days. Therefore, the claimant is entitled to attendant charges in a sum of Rs.12,000/- (Rs.1,000 x 12 days). In view of the above, the claimant is entitled to compensation under different heads as under:

Sl.No.	Particulars	Amount (Rs.)
01.	Loss of future income	17,62,992/-
02.	Medical bills	34,726/-
03.	Attendant charges	12,000/-
04.	Pain and suffering	1,00,000/-



05.	Loss of marriage prospects	3,00,000/-
06.	Loss of amenities	50,000/-
	Total	22,59,718/-

12. Considering the above, the claimant is entitled for enhanced compensation of Rs.18,21,392/- (Rs.22,59,718-Rs.4,38,326) with interest @ 6% p.a. from the date of petition till realization. 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.18,21,392/-** with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the said enhanced amount with interest within a period of six weeks from this day, failing which, it is liable to pay interest @ 9% p.a. from this day till payment/deposit of enhanced compensation amount.



- iv) The claimant is not entitled to interest for the delay period of 289 days in filing the appeal.
- v) The entire enhanced compensation shall be kept in fixed deposit with Karnataka Bank, City Civil Court Branch, Bengaluru, in the name of minor claimant, till he attains age of majority.
- vi) The mother/natural guardian of the claimant is entitled to withdraw the interest on the said deposit every three months for the expenses of the minor.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 45