



CNR: KAHC010206052025

NC: 2026:KHC:48233
MFA No. 2253 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL No. 2253 OF 2025 (MV-I)

BETWEEN:

KAMALAMMA
W/O CHANNAPPA
AGED ABOUT 38 YEARS
R/O SIDDAVVANADURGA
KOTE VILLAGE
CHITRADURGA TALUK AND DISTRICT
PIN CODE- 577 501.

...APPELLANT

(BY SRI ASHWATH C M, ADVOCATE FOR
SRI PRAKASHA H C, ADVOCATE)

AND:

1. RUDRESH H B
S/O H.BASAVARAJA
MAJOR
R/O KEB COLONY
NAYAKANAHATTI
CHALLAKEE TALUK
CHITRADURGA DISTRICT-577 522.
2. THE BRANCH MANAGER
NATIONAL INSURANCE CO.LTD.,
BRANCH OFFICE

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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JAGALURU MAHALINGAPPA TOWERS
DAVANAGERE ROAD
CHITRADURGA-577 501.

...RESPONDENTS

(BY SRI ASHOK KUMAR V, ADVOCATE FOR R2
R1-SERVICE OF NOTICE IS DISPENSED WITH
V/O DTD. 22.7.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:05.11.2024
PASSED IN MVC No.1106/2022 ON THE FILE OF THE II
ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT-V,
CHITRADURGA, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS 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 05.11.2024 passed in MVC No.1106/2022 by the
II Additional Senior Civil Judge and Additional MACT-V,
Chitradurga.



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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 02.05.2022 contending that the accident occurred due to rash and negligent driving of the driver of but bearing registration No.KA-16/C-8849. 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.	Towards Pain and Suffering	50,000/-
02.	Towards Medical Expenses	77,077/-
03.	Towards Traveling, attendant and incidental expenses	10,000/-
04.	Towards loss of discomfort and amenities	20,000/-
05.	Towards loss of income	3,51,000/-
Total		5,08,077/-



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4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed 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. The accident occurred on 02.05.2022 and the claimant was aged 35 years as on the date of accident. Considering the said age, the Tribunal has rightly taken the multiplier '15'. Learned counsel for appellant has not disputed disability taken by the Tribunal at 15%. The notional income fixed for the year 2022 by Karnataka State Legal Services Authority is Rs.15,500/- and the same is to be taken as against Rs.15,000/- as taken by the Tribunal. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 15 \times 15\% = \text{Rs.4,18,500/-}.$$



7. The claimant has sustained right foot crush injury, fracture of first metatarsal right foot and second toe of right foot is amputated. Disability certificate –Ex.P13 indicate that there is missing of great toe and second toe of right foot. Considering the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.70,000/- and loss of amenities in a sum of Rs20,000/- requires to be enhanced to Rs.40,000/-. The claimant's occupation is tailoring and considering the amputation of two toes of right leg affected functioning as tailor and therefore, she is entitled to loss of income during laid period in a sum of Rs.46,500/- (Rs.15,500/-x3 months). The claimant has been admitted in the hospital for 32 days as per Ex.P10 and Ex.P11 discharge summary. But the Tribunal has taken period of hospitalization as 08 days. Considering the said aspect, the claimant is entitled to attendant, conveyance charges, food and nourishment etc., in sum of Rs.32,000/- (Rs.1,000/- x32 days) as against Rs.10,000/- as awarded by the Tribunal.



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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	70,000/-
02.	Towards Medical Expenses	77,077/-
03.	Towards Traveling, attendant and incidental expenses	32,000/-
04.	Towards loss of discomfort and amenities	40,000/-
05.	Towards loss of income	4,18,500/-
06.	Towards loss of income during laid up period	46,500/-
Total		6,84,077/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.6,84,077/- as against Rs.5,08,077/- awarded by the Tribunal with interest at the interest of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,76,000/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

9. 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.1,76,000/- with interest at the rate of 6% per annum 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) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 12
Ct.sm