



CNR: KAHC010217342023

NC: 2026:KHC:36209
MFA No. 2971 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2971 OF 2023 (MV-I)

BETWEEN:

ASLAM
S/O LATE EJAZ AHMEDM
AGED ABOUT 32 YEARS
MASON
R/O No. 81 RAMENA KOPPA
SHIVAMOGGA TALUK - 577 201.

...APPELLANT

(BY SRI. M V MAHESWARAPPA, ADVOCATE)

AND:

1. ANNAPPA
S/O NARAYANAPPA
AGED 48 YEARS
R/AT: HARIGE, LINGAYATHARA BEEDI
1ST CROSS, SHIVAMOGGA - 577 201.
2. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.,
P.B.No.88, 1187/947
2ND FLOOR, RUB BUILDING
A.A.CIRCLE, B .H ROAD
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 25.07.2023, NOTICE TO R1 IS DISPENSED WITH)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:08.08.2022 PASSED IN MVC No.683/2019 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT-8, SHIVAMOGGA, 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

1. This appeal is filed by the claimant seeking enhancement of the compensation awarded in judgment and award dated 08.08.2022 passed in MVC No. 683/2019 by the II Additional Senior Civil Judge and Additional MACT-8, Shivamogga.

2. Though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondent No. 2 it is taken up for disposal.

3. Appellant - claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 02.08.2017 contending



that the accident occurred due to the rash and negligent driving by the driver of the Car bearing registration No.KA-14-B-4999. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards pain and suffering	Rs.40,000/-
2	Transportation and attendant charges	Rs.20,000/-
3	Nourishing food and miscellaneous expenses	Rs.25,000/-
4	Towards medical expenses	Rs.6,090/-
5	Towards loss of income during laid up period	Rs.22,000/-
	Total	Rs.1,13,090/- Rounded off to Rs.1,14,000/-

4. 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.

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



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6. Learned counsel for appellant - claimant would contend that the claimant had sustained fracture of tibia and fibula and other injuries noted in Ex.P.7 – wound certificate and he was admitted in the hospital for 17 days. Considering the said aspects, compensation awarded under the heads ‘pain and suffering’ and ‘loss of income during laid up period’ are on lower side. The Tribunal has not awarded compensation under the head ‘loss of amenities’. With this he prayed to allow the appeal.

7. Learned counsel for respondent No. 2 submits that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

8. As per wound certificate – Ex.P.7, claimant had sustained compound fracture (0.5 X 0.5) to left tibia and fibula. Considering the said two fractures, compensation awarded by the Tribunal under the head ‘pain and suffering’ in a sum of Rs.40,000/- requires to be enhanced to be enhanced to Rs.60,000/-.



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9. The Tribunal has not awarded compensation under the head 'loss of amenities'. Considering the injuries sustained claimant is entitled to 'loss of amenities' in a sum of Rs.30,000/-.

10. Claimant was admitted in the hospital for 17 days. In view of the injuries and fractures sustained by the claimant, he has to take rest for three months. The Tribunal has awarded 'loss income for the laid period' for two months and it requires to be enhanced to three months in a sum of Rs.33,000/-.

11. The Tribunal has rightly awarded compensation under the heads 'transportation and attendant charges', 'nourishing food and miscellaneous expenses' and 'medical expenses'.

12. Considering the above, the claimant is entitled to total compensation as under:

1	Towards pain and suffering	Rs.60,000/-
2	Transportation and attendant charges	Rs.20,000/-
3	Nourishing food and	Rs.25,000/-



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	miscellaneous expenses	
4	Towards medical expenses	Rs.6,090/-
5	Towards loss of income during laid up period	Rs.33,000/-
6	Loss of amenities	Rs.30,000/-
	Total	Rs.1,74,090/-

13. Claimant is entitled to total compensation of Rs.1,74,090.00 as against Rs.1,14,000/- awarded by the Tribunal with interest at the rate of 6% p.a. from date of petition till the date of realization. Consequently, the claimant is entitled enhanced compensation of Rs.60,090/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

ORDER

- i) Appeal is allowed in part.
- ii) Appellant - claimant is entitled to enhanced compensation of Rs.60,090/- with interest at the rate of 6% p.a. from date of petition till the date of realization.



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- iii) Respondent No. 2 – Insurer is directed to deposit the enhanced compensation with interest before the Tribunal within six weeks from this day failing which it is liable to pay interest at the rate of 9% p.a. from this day till the date of payment.
- iv) Claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 39