



CNR: KAHC010224372026

NC: 2026:KHC:50282
MFA No. 2355 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.2355 OF 2026 (MV-I)

BETWEEN:

1. MASTER SHASHANK L
S/O LAKSHMINARAYAN M.
AGED ABOUT 11 YEARS,
THE APPELLANT IS MINOR
HE IS REPRESENTED BY HIS FATHER,
LAKSHMINARAYAN M AS NATURAL GUARDIAN.

SRI. LAKSHMINARAYANA M.
S/O MUNIVENATAIAH,
AGED ABOUT 48 YEARS,
R/AT NO.277, 2ND MAIN,
2ND CROSS, NEAR AMBA BHAVANI TEMPLE,
KANTEERAVANAGARA,
NANDINI LAYOUT,
BENGALURU-560 096.

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

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE)

AND:

1. SRI. LOKESH M C
S/O CHIKKAMUTTEGOWDA,
MUMMENHALLI,
MOTAGANAHALLI,



NC: 2026:KHC:50282
MFA No. 2355 of 2026

CNR: KAHC010224372026

RAMANAGARA,
BANGALORE RURAL DISTRICT.

2. THE MANAGER
TATA AG GENERAL INSURANCE
CO, LTD., OFFICE AT 69
2ND FLOOR, JP AND DEVI
JABMUKESHWARA ARCADE
MILLERS ROAD,
BANGALORE-560 068.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R.2;
VIDE ORDER DATED 10.09.2026, NOTICE TO R.1 IS
DISPENSED WITH.)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV
ACT, PRAYING TO MODIFY AND ENHANCE THE AWARD
AMOUNT PASSED IN M.V.C. NO.2428/2021 ON THE FILE OF
THE JUDGE AND ACJM, COURT OF SMALL CAUSES AT
BANGALORE SCCH-09, VIDE JUDGMENT AND AWARD DATED
05.01.2026, ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



CNR: KAHC010224372026

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 05.01.2026 passed in MVC No.2428/2021 by the Judge, Court of Small Causes and MACT, Bengaluru (SCCH-9).
2. Even though the matter is listed today for admission, with the consent of learned counsel for the appellant and learned counsel for respondent no.2, the matter is taken up for disposal.
3. The appellant/claimant preferred a claim petition before the Tribunal seeking compensation for the injuries sustained by him in a road traffic accident that occurred on 26.12.2020 contending that the accident occurred due to the rash and negligent driving of the rider of the motorcycle bearing No.KA-52-S-4392. The Tribunal, after recording evidence adduced by the parties and appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



CNR: KAHC010224372026

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MFA No. 2355 of 2026

Sl.No.	Compensation heads	Compensation amount
1	Pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, incontinence and discomforts etc., and loss of amenities in life on account of Permanent Disability.	Rs. 1,00,000/-
2	Discomfort, inconvenience and loss of earnings to the parents during the period of hospitalization.	Rs.20,000/-
3	Towards Medical Expenses	Rs. 66,700/-
Total		Rs.1,86,700/-

4. The Tribunal has also awarded interest @ 6% per annum from the date of petition till the date of deposit and directed respondent no.2-Insurance company to deposit the award amount with interest.

5. The claimant has preferred the present appeal seeking enhancement of the compensation awarded by the Tribunal.

6. Heard the learned counsel for the appellant and learned counsel for respondent no.2/insurer.



7. The accident occurred on 26.12.2020 and the claimant was aged 6 years as on the date of the accident. The Tribunal relying on the decision rendered by the Hon'ble Apex Court in the case of ***Mallikarjuna vs. Divisional Manager, National Insurance Co. Ltd. and another [2013 ACJ 2445]*** has awarded the compensation.

8. Learned counsel for the appellant placing reliance on the decision of the Hon'ble Apex Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Anr (2025 INSC 1070)*** contends that in case of injury to a minor, the compensation has to be awarded towards loss of future income due to disability, taking the minimum wages as income of the claimant/injured by applying the multiplier and percentage of disability.

9. Apart from the above, the claimant has to be awarded compensation towards pain and suffering, loss of amenities, loss of income during laid up period to parents, medical expenses and attendant and conveyance charges.



10. The minimum rates of wages for unskilled worker fixed for the year 2020-21 is Rs.9,219.94. Therefore, the income of the claimant is assessed at Rs.9,220/-. Since the claimant was aged 6 years as on the date of the accident, the multiplier applicable is 15.

11. The claimant has sustained a fracture of left femur. PW.2 - Doctor, who has examined the claimant, has assessed 33% disability to left lower limb and 11% to the whole body. But, the Tribunal has taken the disability at 6%. Hence, whenever there is a disability to the lower limb, 1/3rd of the same has to be taken as a disability to the whole body. Therefore, the disability to the whole body is assessed at 11% (1/3rd of 33%).

12. In view of the above, the claimant is entitled in a sum of Rs.1,82,556/- [Rs.9,220/-x12x15x11% = Rs.1,82,556/-] towards loss of future income due to disability.

13. Considering the injuries sustained by the claimant, he is entitled to pain and suffering in a sum of Rs.30,000/- and loss of amenities in a sum of Rs.25,000/-. The claimant has been



CNR: KAHC010224372026

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MFA No. 2355 of 2026

admitted in the hospital for four days and therefore, he is entitled to a sum of Rs.4,000/- (Rs.1,000/- x 4) and the said amount is awarded towards attendant and conveyance charges, nourishment etc.

14. Since the claimant has sustained the fracture, one of his parents has to take care of the claimant. Therefore, the claimant is entitled in a sum of Rs.18,440/- [Rs.9,220/- x 2 months) towards loss of income during laid-up period to parent for 2 months. The claimant is also entitled to medical expenses of Rs.66,700/-.

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

Sl.No.	Heads	Amount in (Rs.)
1.	Loss of future income	1,82,556/-
2.	Pain and suffering	30,000/-
3.	Loss of amenities	25,000/-
4.	Loss of income during laid up period to parents	18,440/-
5.	Medical expenses	66,700/-
6.	Attendant and conveyance charges, nourishment etc.	4,000/-
	Total	3,26,696/-



16. Thus, the claimant is entitled to total compensation of Rs.3,26,696/- as against Rs.1,86,700/- awarded by the Tribunal. Consequently, the claimant is entitled to enhanced compensation of Rs.1,39,996/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

17. 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.1,39,996/- 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) The entire enhanced compensation shall be deposited in the name of the appellant/claimant



NC: 2026:KHC:50282
MFA No. 2355 of 2026

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in Karnataka Bank, City Civil Court Branch,
Bengaluru, till he attains majority.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

hkh.
List No.: 1 Sl No.: 41