



CNR: KAHC010230272025

NC: 2026:KHC:51432
MFA No. 2506 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2506 OF 2025
(MV-I)

BETWEEN:

1. MISS. CHAITHNYA K.N.
D/O NARAYANASWAMY K.G.,
AGED ABOUT 25 YEARS,
RESIDING AT 4TH CROSS,
NIRVANESHWARA NAGAR,
BEHIND GIRISH KALYANA MANTAP,
KANAKAPURA - 562 117,
RAMANGAR DISTRICT.

LOCAL ADDRESS
1ST CROSS, ANJANAPURA, AVALAHALLI,
BENGALURU.

...APPELLANT

Digitally signed
by
PADMA SHREE
SHEKHAR
DESAI

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE)

AND:

Location: HIGH
COURT OF
KARNATAKA

1. HDFC ERGO GENERAL INS.
BY ITS MANAGER,
TP.CLAIMS HUB, NO.25/1,
2ND FLOOR, BUILDING NO.2,
SHANKARANARAYAN BUILDING NO.1,
M.G.ROAD,
BENGALURU - 560 001.
2. MR.THIMMA REDDY
S/O MUNIR REDDY,
NO.144-DE, HENNAGARA ROAD,



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CHANDAPURA CIRCLE, KITTAGANAHALLI,
BENGALURU - 562 114.

...RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R1;
VIDE ORDER DATED 06.08.2026, NOTICE TO R2
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 04.11.2024 PASSED IN MVC
NO.95/2023 ON THE FILE OF THE X ADDITIONAL COURT OF
SMALL CAUSES AND MEMBER MACT, BENGALURU (SCCH-16),
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 claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 04.11.2024 passed in MVC No.95/2023
by X Additional Court of Small Causes and Member, MACT,
Bengaluru (SCCH-16).

2. Even though the matter is listed today for
orders, with the consent of both the learned counsel for
appellant and learned counsel for respondent No.1/insurer,
the matter is taken up for disposal.



3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 22.12.2022 contending that the accident occurred due to rash and negligent driving by the driver of Chevrolet Spark Car bearing registration No.KA-51-MC-2212.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 3,34,800/-
2.	Medical expenses	Rs. NIL
3.	Pain and sufferings	Rs. 40,000/-
4.	Attendant charges	Rs. 9,000/-
5.	Food and nourishment	Rs. 7,200/-
6.	Conveyance expenses	Rs. 10,000/-
7.	Loss of income during treatment period	Rs. 31,000/-
8.	Loss of amenities	Rs. 20,000/-
9.	Future medical expenses	Rs. 20,000/-
	Total	Rs. 4,72,000/-



5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.1/insurer.

7. Learned counsel for appellant would contend that, P.W.5 - Doctor has stated that the claimant is having disability at 55% to both limbs and 27% to the whole body and considering the same, the disability taken by the Tribunal at 10% is on lower side. Considering the fractures sustained by the claimant, the compensation awarded towards pain and suffering and loss of amenities is also on lower side. The Tribunal has not awarded medical expenses as per Ex.P9 - Medical bills only on the ground that the claimant got reimbursement under health insurance policy from Star Insurance Company. Learned



counsel for the appellant placed reliance on the decision of Hon'ble Apex Court in the case of ***NEW INDIA ASSURANCE COMPANY LIMITED vs. DOLLY SATISH GANDHI & ANR.*** reported in ***2026 INSC 498*** contends that any reimbursement of medical expenses got from Health Insurance cannot be deducted.

8. He further submits that, considering the fracture sustained, the claimant has to take rest atleast for four (04) months and therefore entitled to loss of income during laid up period for four (04) months. The claimant has been fixed with implants and for removal of the same, he has to undergo surgery and therefore, compensation awarded towards future medical expenses is on lower side. With these, he prayed to allow the appeal.

9. Learned counsel for respondent No.1/insurer would contend that, the Tribunal has rightly taken the disability at 10% based on the evidence of Doctor. The compensation awarded under other heads is just and



proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

10. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.1/insurer, the Court has perused the impugned Judgment, Award and other materials placed on record.

11. The accident occurred on 22.12.2022 and as on the date of accident, the claimant was aged twenty three (23) years. Considering the said age, the Tribunal has rightly applied multiplier '18'. Considering the year of the accident, the Tribunal has rightly taken the notional income at Rs.15,500/-.

12. The claimant has sustained fracture of displaced comminuted fracture distal ulna right and complete ACL tear left knee. Considering the said injuries, the compensation awarded towards pain and suffering in a sum of Rs.40,000/- requires to be enhanced to Rs.60,000/- and loss of amenities awarded in a sum of



Rs.20,000/- requires to be enhanced to Rs.40,000/-. The claimant has been admitted in hospital for nine (09) days. Considering the same, the compensation awarded towards attendant charges, food and nourishment and conveyance charges is just and proper.

13. Considering the said injuries, the claimant has to take rest atleast for four (04) months and therefore entitled to loss of income during laid up period in a sum of Rs.62,000/- (Rs.15,500/- X 04 months) as against Rs.31,000/- awarded by the Tribunal.

14. P.W.5 - Doctor has stated that the claimant has to undergo surgery for removal of implants. Considering the same, the compensation awarded for future medical expenses in a sum of Rs.20,000/- requires to be enhanced to Rs.30,000/-. P.W.5 - Doctor has stated that the claimant has sustained 55% disability to both limbs and whole body disability at 27%. The Tribunal has taken the disability at 10%. Considering the said evidence of Doctor



and fracture sustained by the claimant, the disability to be taken at 15%. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 18 \times 15\% = \text{Rs.5,02,200/-}$$

15. The Tribunal has not awarded medical expenses on the ground that the medical expenses are reimbursed by the Star Insurance Company under health insurance policy. In view of the decision of Hon'ble Apex Court in the case of **NEW INDIA ASSURANCE COMPANY LIMITED vs. DOLLY SATISH GANDHI & ANR.** reported in **2026 INSC 498**, the amount of medical expenses got reimbursed from health insurance policies cannot be deducted. Considering the same, the claimant is entitled to medical expenses as claimed under Ex.P9 - Medical Bills in a sum of Rs.1,89,434/-.

16. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 5,02,200/-
2.	Medical expenses	Rs. 1,89,434/-
3.	Pain and sufferings	Rs. 60,000/-
4.	Attendant charges	Rs. 9,000/-
5.	Food and nourishment	Rs. 7,200/-
6.	Conveyance expenses	Rs. 10,000/-
7.	Loss of income during treatment period	Rs. 62,000/-
8.	Loss of amenities	Rs. 40,000/-
9.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 9,09,834/-

17. The claimant is entitled to total compensation of Rs.9,09,834/- as against Rs.4,72,000/- awarded by the Tribunal with interest.

18. Consequently, the claimant is entitled to enhanced compensation of Rs.4,37,834/- (Rs.9,09,834/- - Rs.4,72,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

19. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

20. In view of the above, the following:



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ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.4,37,834/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/insurer shall deposit the enhanced compensation amount 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 with interest.*

Learned counsel for respondent No.1/insurer is permitted to file vakalath within two weeks.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**