



CNR: KAHC010240132026

NC: 2026:KHC:52350
MFA No. 2449 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2449 OF 2026

(MV-I)

BETWEEN:

SRI. NARAYANASWAMY
S/O LATE GOPALAPPA
NOW AGED ABOUT 40 YEARS
RESIDING AT KARIYANAPURA
VILLAGE (H.CROSS)
HEMARLAHALLI POST
SIDLAGHATTA TALUK
CHIKKABALLAPURA DISTRICT.

...APPELLANT

(BY SMT. SUSHMITHA G, ADVOCATE)

AND:

1. SRI. D. SRINIVASA
S/O DODDANNA
MAJOR IN AGE
RESIDING AT NEAR WATER TANK
HARIJANA COLONY, DEVANAHALLI TOWN
BENGALURU RURAL
DISTRICT - 562 110.
2. M/S IFFCO-TOKIYO
GENERAL INSURANCE CO.LTD.,
CUSTOMER SERVICE CENTER
SRI SHANTHI TOWERS

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5TH FLOOR, 3RD MAIN
NGEF LAYOUT, KASTURINAGAR
BENGALURU - 560 043.
REP: BY ITS MANAGER

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2
V/O DTD. 5.8.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:27.08.2024,
PASSED IN MVC No.3873/2020, ON THE FILE OF THE XIII
ADDL. SMALL CAUSES JUDGE, ACJM, COURT OF SMALL
CAUSES AND MEMBER, MACT-15, BENGALURU (SCCH-15),
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

This appeal is filed by the appellant -claimant
seeking enhancement of compensation awarded in
judgment and award dated 27.08.2024 passed in MVC
No.3873/2020 by XIII Additional Small Causes and
Additional MACT, Bengaluru -(SCCH-15).

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of

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learned counsel for appellant and learned counsel for respondent No.2 –Insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 04.09.2019 contending that the accident occurred due to rash and negligent driving of the driver of Maruthi Omni Car bearing registration No.KA-02/MB-1214. 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	40,000/-
02.	Towards Medical Expenses	1,54,400/-
03.	Towards attendant, extra diet and conveyance	36,000/-
04.	Towards loss of amenities	25,000/-
05.	Towards loss of future income	1,34,400/-
06.	Towards loss of Income during laid up period	56,000/-
Total		4,45,800/-

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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 04.09.2019 and as on the date of accident, the claimant was aged 34 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '16'. Considering the notional income fixed for the year 2019, the Tribunal has rightly taken notional income at Rs.14,000/- per month.

7. Learned counsel for appellant would contend that the doctor -P.W.2 based on Ex.P10 to 12 -clinical notes, neuro psychological assessment report and CT scan report has assessed the disability of the claimant at 40%



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and disability taken by the Tribunal is at 5% is not proper. The claimant is Mason by occupation and the head injury has affected his work and therefore, functional disability is to be taken. Considering the said head injury, the compensation awarded towards pain and suffering and loss of amenities are on lower sides.

8. The claimant has sustained the following injuries as noted in Ex.P7 -discharge summary.

- i) soft tissue of right knee with synovitis
- ii) head injury.

The claimant has been admitted in the hospital for 34 days. Considering the said head injury and other injuries sustained by the claimant, compensation awarded towards pain and suffering by the Tribunal in the sum of Rs.40,000/- is enhanced to Rs.60,000/- and loss of amenities in the sum of Rs.25,000/- is enhanced to Rs.40,000/-. Considering that the claimant has been admitted in hospital for 34 days, the Tribunal has rightly

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awarded attendant and conveyance charges in a sum of Rs.36,000/- and loss of income during laid up period for 04 months in a sum of Rs.56,000/-. Considering the bills, the Tribunal has rightly awarded medical expenses of Rs.1,54,400/-.

9. P.W.2 is doctor who has examined the claimant and assessed his disability at 40% stating that it is neurological disability. Leaned counsel for respondent No.2 –insurer referring to para No.31 of the impugned judgment would contend that the Tribunal considering that the claimant can do his work even in spite of the injury sustained by him and he has given evidence has rightly taken disability at 5%. The neurological disability stated by P.W.2 is 40%. Even though the claimant himself has given evidence, the disability taken by the Tribunal at 5% is on lower side and therefore, functional disability is to be taken at 10%. Considering the said aspect, the loss of future income due to disability is calculated as under:

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Rs.14,000/- x12x16x10% = Rs.2,68,800/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	60,000/-
02.	Towards Medical Expenses	1,54,400/-
03.	Towards attendant, extra diet and conveyance	36,000/-
04.	Towards loss of amenities	40,000/-
05.	Towards loss of future income	2,68,800/-
06.	Towards loss of Income during laid up period	56,000/-
Total		6,15,200/-

The claimant is entitled to total compensation of Rs.6,15,200/- as against Rs.4,45,800/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,69,400/- 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. The claimant is not entitled to interest for the delay period of

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492 days in filing the appeal as per order dated 08.04.2026 passed on IA No.1/2026.

11. 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.1,69,400/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) The appellant -claimant is not entitled to interest for the delay period of 492 days in filing the appeal.
- iv) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

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- v) The appellant -claimant is entitled to release of
entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 30