



CNR: KAHC010256082025

NC: 2026:KHC:42495
MFA No. 2849 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2849 OF 2025

(MV-I)

BETWEEN:

MR. BHARATH P M
S/O LATE MALIKARJUNAPPA
AGED ABOUT 30 YEARS
R/AT PANCHANAHALLI VILLAGE
AND HOBLI KADUR TALUK
CHIKKAMANGALUR DISTRICT - 577 548.

...APPELLANT

(BY SRI SHIVAPRASAD M K, ADVOCATE)

AND:

1. THE PRINCIPAL
SNEHA ENGLISH MEDIUM
HIGHER PRIMARY SCHOOL
PANCHANAHALLI VILLAGE AND
HOBLI KADUR TAUKE
CHIKKAMANGALUR DISTRICT-577 548.
2. SHRIRAM GENERAL INSURANCE CO. LTD.,
S-5, 3RD FLOOR, MONARCH CHAMBERS
INFANTRY ROAD, BENGALURU- 560 001.
REPRESENTED BY ITS MANAGER.

...RESPONDENTS

(BY SRI B C SHIVANNE GOWDA, ADVOCATE FOR R2
SRI SURESH KUMAR H M, ADVOCATE FOR R1)

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



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:16.12.2021 PASSED IN MVC No.600/2019 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU SCCH-15, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 compensation awarded in the judgment and award dated 16.12.2021 passed in MVC No. 600/2019 by the IX Additional Small Causes Judge and Member, MACT-7, Bengaluru (SCCH-15).

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 01.08.2018 due to the rash and negligent driving by the driver of mini-bus bearing registration No. KA-18-A-8586. The Tribunal after recording evidence, appreciating the



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evidence on record, assessed the compensation and awarded compensation under the following heads:

1	Global compensation	Rs.50,000.00
2	Hospital and medicine charges	Rs.20,966.00
	Total	Rs.70,966.00

3. 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.

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

5. Learned counsel for appellant would contend that claimant had sustained fracture of left clavicle, fracture of left zygoma, maxilla with lateral wall of orbit, fracture of right 1st, 2nd 3rd, 4th and 5th ribs, bilateral pneumothorax, comminuted fracture of left scapula with



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hemorrhagic contusion of spinal cord C-3-C4, C4-C5 and C-5-C6. P.W.3 - Doctor who examined the claimant has assessed the disability and stated that claimant has sustained 15% disability to the whole body. Claimant was doing agriculture and earning Rs.15,000/- per month. In spite of all this, the Tribunal has awarded global compensation of Rs.50,000/- and medical expenses. The compensation awarded by the Tribunal is not just and proper. The Tribunal has awarded medical expenses in a sum of Rs.20,966/- considering Ex.P.18, but, the Tribunal has not considered Ex.P.25 wherein bill amount is Rs.30,750/-. Considering the injuries sustained and disability suffered, claimant had to take rest for at least two months and is entitled to compensation under the head 'loss of income during laid up period'. Claimant is also entitled to compensation under the heads 'loss of amenities', 'pain and suffering' and 'loss of income during laid up period'. With this he prayed to allow the appeal.



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6. Learned counsel for respondent No. 2 – Insurer would contend that the compensation awarded under all heads is just and proper and there are no grounds for enhancement of the compensation.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

8. The accident occurred on 01.08.2018 and at that time claimant was aged about 32 years. Claimant has suffered the following injuries:

- a) Fracture of left clavicle
- b) Fracture of left zygoma, maxilla with lateral wall of orbit,
- c) Fracture of right 1st, 2nd 3rd, 4th and 5th ribs, bilateral pneumothorax
- d) Comminuted fracture of left scapula with hemorrhagic contusion of spinal cord C-3-C4, C4-C5 and C-5-C6



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9. P.W.3 – Doctor who has examined the claimant has stated that claimant has sustained disability to the whole body at 15%. Even though there is disability, the Tribunal has not considered compensation under the head 'loss of future income'. Even though claimant has stated that he was doing agriculture and milk vending business, except producing Ex.P.13 – RTC standing in the name of his father, no other evidence is brought on record. As claimant has not produced any income proof, notional income for the said year i.e., 2018 is to be taken for calculating loss of future income and it is Rs.12,500/-. As claimant was aged 32 years, multiplier applicable is 16. Therefore, loss of future income is calculated as under:

$$12500 \times 12 \times 16 \times 15\% = \text{Rs.}3,60,000/-$$

10. Considering the injuries sustained by the claimant, he is entitled to compensation under the head 'pain and suffering' in a sum of Rs.1,00,000/- and 'loss of amenities' in a sum of Rs.60,000/-.



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11. Claimant was admitted in the hospital for 13 days and therefore, he is entitled to compensation under the head 'attendant and conveyance charges, food and nourishment' in a sum of Rs.13,000/- (13 X Rs.1000).

12. Considering the injuries sustained, claimant had to take rest for two months. Therefore, he is entitled to 'loss of income during laid up period' in a sum of Rs.25,000/- (Rs.12,500 X 2 months).

13. The Tribunal has awarded medical expenses of Rs.20,966/- as per Ex.P.18. Ex.P.18 is the receipt of CT Scan and total amount is Rs.8,800/-. Ex.P.25 is inpatient bill issued by Hemavathi Orthopaedic and Trauma Centre and the bill amount is Rs.30,750/-. The Tribunal has not awarded said medical expenses as per Ex.P.25. Therefore, claimant is entitled to medical expenses of Rs.30,750/- as per Ex.P.25 and Rs.8,800/- as per Ex.P.18, totally Rs.39,550/-.

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



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1	Loss of future income	Rs.3,60,000.00
2	Medical expenses	Rs.39,550.00
3	Pain and sufferings	Rs.1,00,000.00
4	Loss of amenities	Rs.60,000.00
2	Attendant and conveyance charges, food and nourishment	Rs.13,000.00
3	Loss of income during laid up period	Rs.25,000.00
	Total	Rs.5,97,550.00

15. Claimant is entitled to total compensation of Rs.5,97,550/- as against Rs.70,966/- awarded by the Tribunal with interest. Consequently claimant is entitled to enhanced compensation of Rs.5,26,584/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No.2 is liable to pay the enhanced compensation with interest.

16. Claimant is not entitled to interest for the delay period of 1006 days in filing the appeal as per the order dated 05.11.2025 passed on I.A.No.1/2025.

17. In view of the above, the following;

ORDER

a) Appeal is allowed in part.



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- b) Appellant - claimant is entitled to enhanced compensation of Rs.5,26,584/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is not entitled to interest for the delay period of 1006 days in filing the appeal.
- e) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 17
Ct.sm