



CNR: KAHC010261722025

NC: 2026:KHC:44784
MFA No. 2919 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2919 OF 2025
(MV-I)

BETWEEN:

T. JNANESH KUMAR
S/O. THIMMEGOWDA,
AGED ABOUT 75 YEARS,
CHIKKADE VILLAGE,
KASABA HOBLI,
PANDAVAPURA TALUK,
MANDYA DISTRICT - 571 434.

...APPELLANT

(BY SRI. VIJAY KUMAR T., ADVOCATE)

AND:

1. KRISHNEGOWDA K.
S/O. KARIGOWDA,
AGED ABOUT 60 YEARS,
77, ELECHAKANAHALLI VILLAGE, MANDYA TALUK,
MANDYA DISTRICT - 571 401.
2. MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
2ND FLOOR, 1259, VINOBA ROAD,
SHIVARAMPETE,
MYSURU - 570 001.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. JANARDHAN REDDY, ADVOCATE FOR R2;
VIDE ORDER DATED 28.04.2025, NOTICE TO R1 IS
DISPENSED WITH)

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



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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 01.06.2024 PASSED IN MVC NO.876/2022 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND MACT, PANDAVAPURA, 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 01.06.2024 passed in MVC No.876/2022 by the Additional Senior Civil Judge and MACT, Pandavapura.

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.2/insurer, the matter is taken up for disposal.



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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 22.05.2022 contending that the accident occurred due to rash and negligent driving by the driver of Hyundai Car bearing registration No.KA-11-M-9736.

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.	Towards loss of future income	Rs. 1,76,148/-
2.	Towards pain and suffering	Rs. 50,000/-
3.	Towards Nourishment and Diet expenses	Rs. 10,000/-
4.	Towards attendance and conveyance charges	Rs. 10,000/-
5.	Towards loss of income during laid up period	45,000/-
6.	Towards loss of amenities	10,000/-
7.	Towards medical bills	1,84,000/-
	Total	Rs. 4,85,148/-



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 with interest. The claimant has filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellant would contend that, the claimant has sustained two fractures. Considering the same, the compensation awarded towards the pain and suffering and loss of amenities is on lower side. The Tribunal has taken the income of the claimant at Rs.14,979/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2022 is Rs.15,500/- and the said income is to be taken. P.W.2 - Doctor has stated that the claimant has sustained 44% disability to the left lower



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limb and the Tribunal has taken the disability to the whole body at 14% and it is on lower side. The claimant has been admitted in hospital for six (06) days. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the disability taken by the Tribunal is proper and the compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 22.05.2022 and as on the date of accident, the claimant was aged sixty five (65) years. The claimant has sustained open fracture distal femur - left and fracture of proximal 1/3rd shaft humerus - left. Considering the said injuries, the compensation



awarded for pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.35,000/-.

11. P.W.2 - Doctor who has examined the claimant and assessed his disability and stated that the claimant is having 44% disability to the left lower limb. Whenever there is a disability to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body. Hence, $\frac{1}{3}^{\text{rd}}$ of 44% is 14.66%. Therefore, the disability is to be taken at 15% as against 14% taken by the Tribunal.

12. The Tribunal has taken the income of the claimant at Rs.14,979/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2022 is Rs.15,500/- and the said income is to be taken. The Tribunal has rightly applied the multiplier '7' considering the age of the claimant as sixty



five (65) years. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 7 \times 15\% = \text{Rs.1,95,300/-}$$

13. The claimant has been admitted in hospital for six (06) days and therefore, he is entitled to attendant, conveyance, food and nourishment charges etc., in a sum of Rs.6,000/- (Rs.1,000/- X 06 days) as against Rs.10,000/- awarded towards attendant and conveyance charges and Rs.10,000/- awarded towards Nourishment and Diet expenses. The Tribunal has awarded loss on income during laid up period for three (03) months. Now, the income is taken at Rs.15,000/-, therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.46,500/- (Rs.15,500/- X 03).

14. The Tribunal has rightly awarded the medical expenses.



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

Sl. No.	Particulars	Amount
1.	Towards loss of future income	Rs. 1,95,300/-
2.	Towards pain and suffering	Rs. 60,000/-
3.	Towards Attendant, conveyance, food and nourishment etc.	Rs. 6,000/-
4.	Towards loss of income during laid up period	46,500/-
5.	Towards loss of amenities	35,000/-
6.	Medical expenses	1,84,000/-
	Total	Rs. 5,26,800/-

16. The claimant is entitled to total compensation of Rs.5,26,800/- as against Rs.4,85,148/- awarded by the Tribunal with interest.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.41,652/- (Rs.5,26,800/- - Rs.4,85,148/-) with interest at the rate of 6% per annum from the date of petition till realisation.



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18. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

19. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.41,652/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/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.*

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