



CNR: KAHC010262282025

NC: 2026:KHC:44785
MFA No. 2927 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. 2927 OF 2025
(MV-I)

BETWEEN:

SRI. DEVENDRA
S/O. KRISHNAPPA,
AGED ABOUT 42 YEARS,
R/AT HANUMANTHAPURA VILLAGE,
ARURU,
CHIKKABALLAPURA TALUK AND DISTRICT - 562 104.
...APPELLANT

(BY SRI. VIJAY KUMAR T., ADVOCATE)

AND:

1. HDFC ERGO GENERAL INSURANCE CO. LTD.,
BY ITS MANAGER,
NO.14, 1ST FLOOR, HM GENEVA HOUSE,
NEXT TO FORTIS HOSPITAL,
CUNNINGHAM ROAD,
BENGALURU - 560 052.
2. SMT. GEETHA B.C.
AGED MAJOR,
OLD BUS STAND, DEVANAHALLI TOWN,
BENGALURU RURAL DISTRICT - 562 110.
...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R1;
VIDE ORDER DATED 28.04.2025, NOTICE TO R2 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 19.10.2024 PASSED IN MVC NO.877/2021 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSE JUDGE AND ACJM AND MEMBER, MACT, BENGALURU, (SCCH-23), 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 19.10.2024 passed in MVC No.877/2021 by XX Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-23).

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.



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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 24.06.2020 contending that the accident occurred due to rash and negligent driving by the driver of Ashok Leyland Lorry bearing registration No.KA-04-TC-273.

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.	Attendant charges, extra nutritious food and conveyance charges	Rs. 12,000/-
2.	Pain and sufferings	Rs. 40,000/-
3.	Loss of income during laid-up period	Rs. 58,000/-
4.	Medical expenses	Rs. 3,00,000/-
5.	Loss of future income due to disability	Rs. 2,35,000/-
6.	Loss of future amenities and happiness	Rs. 50,000/-
7.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 7,25,000/-



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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.1/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.1/insurer.

7. Learned counsel for the appellant would contend that, the claimant has sustained facial injury - multiple facial abrasions, depressed fracture zygoma, right femur shaft fracture and right knee swelling. P.W.2 - Doctor has assessed the disability of the claimant at 57% to the right lower limb and 19% to the whole body. The disability taken by the Tribunal at 9% is on lower side. The compensation awarded towards pain and sufferings is on lower side. With these, he prayed to allow the appeal.



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8. Learned counsel for respondent No.1/insurer would contend that, the disability taken by the Tribunal at 9% is just and proper. 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.1/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 24.06.2020 and as on the date of accident, the claimant was aged thirty eight (38) years. The claimant is stated to be the agriculturist. The claimant has sustained facial injury - multiple facial abrasions, depressed fracture zygoma, right femur shaft fracture and right knee swelling. Considering the said injuries, the compensation awarded towards pain and sufferings in a sum of Rs.40,000/- requires to be enhanced



to Rs.90,000/-. The compensation awarded towards loss of amenities is just and proper. The Tribunal has rightly awarded loss of income during laid up period for four (04) months in a sum of Rs.58,000/- by taking the income at Rs.14,500/-.

11. The Tribunal has rightly awarded medical expenses of Rs.30,000/-.

12. P.W.2 - Doctor who has examined the claimant and assessed his disability at 57% to the right lower limb and 19% disability to the whole body. Considering the injuries noted *supra* and the evidence of P.W.2 - Doctor and the occupation of the claimant as agriculturist, the disability is to be taken at 19% which is 1/3rd of the disability to the right lower limb. The Tribunal has rightly taken the notional income at Rs.14,500/- and applied multiplier '15'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.14,500/-} \times 12 \times 15 \times 19\% = \text{Rs.4,95,900/-}$$



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13. The claimant has been admitted in hospital for ten (10) days and therefore, he is entitled to attendant and conveyance charges, food and nourishment etc., in a sum of Rs.10,000/- (Rs.1,000/- X 10 days) as against Rs.12,000/- awarded by the Tribunal.

14. The Tribunal has rightly awarded future medical expenses of Rs.30,000/-.

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

Sl. No.	Particulars	Amount
1.	Attendant charges, extra nutritious food and conveyance charges	Rs. 10,000/-
2.	Pain and sufferings	Rs. 90,000/-
3.	Loss of income during laid-up period	Rs. 58,000/-
4.	Medical expenses	Rs. 3,00,000/-
5.	Loss of future income	Rs. 4,95,900/-
6.	Loss of amenities	Rs. 50,000/-
7.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 10,33,900/-



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16. The claimant is entitled to total compensation of Rs.10,33,900/- as against Rs.7,25,000/- awarded by the Tribunal with interest.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.3,08,900/- (Rs.10,33,900/- - Rs.7,25,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

18. Respondent No.1/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.3,08,900/- 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*



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*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**

KLV
List No.: 1 Sl No.: 10