



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.2999 OF 2025(MV-I)

BETWEEN:

YOGESHA,
S/O SHIVALINGAIAH,
AGED ABOUT 40 YEARS,
R/AT NO.370, PANCHAYATH ROAD,
K. SHETTAHALLI VILLAGE AND HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT – 571 438.

...APPELLANT

(BY SRI. SREENIVASAN M.Y., ADVOCATE)

AND:

1. CHANDRA H.C.,
S/O CHANDRASHEKARAIH H.L,
MAJOR, R/AT S.C. COLONY,
HOLALU VILLAGE, DUDDA HOBLI,
MANDYA TALUK AND DISTRICT – 571 403.

2. THE DIVISIONAL MANAGER,
THE CHOLAMANDALAM M S GENERAL
INSURANCE COMPANY LTD.,
UNIT NO.4, 9TH FLOOR,
LEVEL 6 GOLDEN HEIGHTS COMPLEX,
59TH C CROSS, RAJAJINAGARA,
BANGALORE – 560 010.

...RESPONDENTS

(BY SRI. B. PRADEEEP., ADVOCATE FOR R2,
VIDE COURT ORDER DATED 02.05.2025
NOTICE TO R1 DISPENSED WITH)



THIS MFA IS FILED UNDER SECTION.173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATE:30.12.2024 PASSED IN MVC NO.730/2021 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND MACT, SRIRANGAPATNA, 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 T.M.NADAF

ORAL JUDGMENT

This appeal is by the claimant seeking enhancement of compensation, arising out of Judgment and award dated 30.12.2024 passed by the Prl. Senior Civil Judge and Motor Accident Claims Tribunal, Srirangapatna¹ in M.V.C No.730/2021.

2. The Tribunal vide impugned Judgment and award, partly allowed the claim petition and awarded compensation of Rs.5,47,000/- with 6% interest from the date of petition till realization.

¹ The Tribunal, for short



3. The parties are referred to as per their ranking before the Tribunal.

4. The date of accident, involvement of vehicle, injury suffered, disability resulted and liability to pay the compensation are not in dispute. The only dispute is with regard to quantum of compensation.

5. Heard, Sri.Sreenivasan.M.Y, learned counsel appearing for the appellant-claimant and Sri.B.Pradeep, learned counsel appearing for respondent No.2 – Insurer. Notice to respondent No.1 is dispensed with vide order dated 02.05.2025.

6. Sri.Sreenivasan.M.Y, learned counsel for the appellant argued only on ground that the compensation awarded under each head except 'Medical Expenses' & 'Future loss of income' and non-consideration of case for granting future medical expenses in the teeth of evidence by Doctor, are on the lower side and sought to allow the appeal and enhance the compensation.



7. Though the submission of Mr.Sreenivasan, in contrast opposed by Sri.B.Pradeep, however he is not in serious dispute with respect to the injuries suffered and disability resulted. Learned counsel Sri.B.Pradeep, submits that the compensation awarded under the head 'Pain and Suffering' is sufficient. However, in so far as compensation awarded under 'Attendant charges, transportation, miscellaneous expenses and nutritious food' compound awarded requires little enhancement. In respect of 'Amenities, disappointment, discomfort and frustration', the Tribunal has already awarded Rs.20,000/-, which may require marginal enhancement. He further submits that since there is fracture of major bone, the compensation under 'Loss of income during laid up period' requires consideration for enhancement by another 01 month, in view of the fact that the case of the claimant was considered by adding future prospectus.

8. Further, learned counsel Sri.Pradeep, submits that in the presence of evidence of doctor for removal of



implants, the case of claimant may be considered for awarding appropriate compensation.

9. In view of the submissions stated supra, this Court is of the opinion after going through the entire compensation awarded under various heads, requires marginal enhancement. Accordingly, the compensation is reassessed as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and Sufferings	30,000-00	40,000-00
2.	Attendant charges, transportation, miscellaneous expenses, amenities and nutritional food	10,000-00	15,000-00
3.	Towards loss of future income	3,74,400-00	3,74,400-00
4.	Loss during treatment period	12,382-00	37,146-00 (12,382 x 3)
5.	Medical expenses	99,861-00	99,861-00
6.	Disappointment, Discomfort and Frustration	20,000-00	40,000-00
7.	Future Medical expenses	-	15,000-00
	TOTAL	5,46,643-00	6,21,407-00



10. Accordingly, the claimant is entitled for reassessed compensation of Rs.6,21,407/-, as against Rs.5,46,643/- as awarded by the Tribunal. The enhanced compensation would be Rs.74,764/- (6,21,407 - 5,46,643) rounded off at **Rs.75,000/-**, which shall carry interest @ 6% per annum from the date of petition till realization.

11. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated passed by the Prl. Senior Civil Judge and Motor Accident Claims Tribunal, Srirangapatna in M.V.C No.730/2021 is modified and the compensation is reassessed.
- (iii) The Claimant is entitled for enhanced compensation of **Rs.75,000/-** with



interest @ 6% per annum from the date of petition till realization.

- (iv) Respondent No.2 - Insurer shall deposit the entire enhanced compensation along with interest supra before the concerned Tribunal within six weeks from the date of receipt of certified copy of this order.
- (v) Upon deposit, the entire amount shall be released in favor of the claimant after due identification.
- (vi) The Trial Court Record secured if any, shall be transmitted forthwith to the concerned Tribunal.
- (vii) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

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List No.: 1 Sl No.: 17
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