



CNR: KAHC010270072026

NC: 2026:KHC:51695
MFA No. 2793 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2793 OF 2026 (MV-I)

BETWEEN:

CHIKKEGOWDA
S/O MALLEGOWDA @THAMMANNAGOWDA,
AGED ABOUT 58 YEARS,
R/O CHANDAPURA VILLAGE,
C.A. KERE HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571 421.

...APPELLANT

(BY SRI. SREENIVASAN M.Y, ADVOCATE)

AND:

1. RAMESH H.C, MAJOR
R/AT S.I.S HAGALAHALLI VILLAGE,
C.A. KERE HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571 421.
2. THE BRANCH MANAGER,
LIBERTY GENERAL-INSURANCE CO. LTD.,
NO.1, ALYASA, 1ST FLOOR,
REAR PORTION, OLD NO.28,
NEW NO.23, RICHMOND ROAD,
RICHMOND TOWN, BENGALURU - 560 025.

...RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2;
VIDE ORDER DATED 24.04.2026, NOTICE TO R1 IS
DISPENSED WITH)





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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 06.08.2025 PASSED IN MVC NO. 27/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, MADDUR, 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 06.08.2025 passed in MVC No.27/2024 by Senior Civil Judge and MACT, Maddur.

2. Even though the appeal is listed today for admission it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2/Insurer.

3. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 13.11.2023 due to the rash

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and negligent riding of the rider of the motorcycle bearing registration No.KA-11-EL-9534.

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.	Pain and suffering	Rs. 50,000
2.	Medical expenses	Rs. 1,82,560
3.	Attendant, nourishment and transportation	Rs. 30,000
4.	Loss of income during treatment	Rs. 32,000
5.	Loss of future income due to disability	Rs. 1,44,576
6.	Loss of amenities	Rs. 25,000
7.	Future medical expenses	Rs. 30,000
	Total	Rs. 4,94,136

5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/Insurer to deposit the awarded amount with interest. The claimant had filed the present appeal seeking enhancement of the compensation awarded by the tribunal.

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

7. The accident occurred on 13.11.2023 and as on the date of accident, the claimant was aged 66 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '5'. The notional income fixed for the year 2023 by Karnataka State Legal Services Authority is Rs.16,250/- and it is to be taken as against Rs.16,000/- taken by the Tribunal.

8. The claimant has sustained the following injuries as per Ex.P-5 Wound certificate.

- 1) Swelling and tenderness over the upper one-third of the left leg. tibia-fibula with abrasion measuring 3 x 1 cm, bleeding present.
- 2) Lacerated wound over the right 5th toe, bleeding present.

9. The claimant has sustained a fracture of tibia and fibula. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is just and proper. Considering the said injuries,

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compensation awarded towards loss of amenities by the Tribunal in a sum of Rs.25,000/- is enhanced to Rs.40,000/-. The claimant has been admitted in hospital for 10 days. Considering the same, the compensation awarded towards Attendant, conveyance charges, Food, Nourishment etc., in a sum of Rs.30,000/- is just and proper.

10. The tribunal based on the bills has rightly awarded medical expenses of Rs.1,82,560/-. Considering the age and the injuries sustained by the claimant, the claimant has to take rest at least for a period of 3 months and therefore he is entitled to loss of income during laid up period for 3 months in a sum of Rs.48,750/- (16,250 x 3) as against Rs.32,000/- awarded by the Tribunal. Considering the fact that the claimant has to undergo surgery for removal of implant, the tribunal has rightly awarded future medical expenses of Rs.30,000/-.

11. PW-2 is a Doctor who has examined the claimant and assessed his disability and stated that the claimant has sustained 45.18% disability to the left lower limb and 22.59% to the whole body and the Tribunal has taken 15.06% disability to the whole body. Whenever there is a disability to the lower

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limb, 1/3rd of the same is to be taken as disability to the whole body. Considering the said aspect, the disability taken by the Tribunal is proper. In view of the same, the loss of future income due to disability is calculated as under:-

$$16,250 \times 12 \times 5 \times 15.06\% = \text{Rs.}1,46,835/-.$$

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

Sl. No.	Particulars	Amount
1.	Loss of future income due to disability	Rs. 1,46,835
2.	Pain and suffering	Rs. 50,000
3.	Medical expenses	Rs. 1,82,560
4.	Attendant, conveyance, Food, Nourishment etc.,	Rs. 30,000
5.	Loss of income during laid up period	Rs. 48,750
6.	Loss of amenities	Rs. 40,000
7.	Future medical expenses	Rs. 30,000
	Total	Rs. 5,28,145

13. The claimant is entitled to total compensation of Rs.5,28,145/- as against Rs.4,94,136/- as awarded by the tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.34,009/- with interest at the rate of 6% per annum from the date of petition till realization.

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14. Respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

15. 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.34,009/- with interest at the rate of 6% per annum from the date of petition till realization.
- III. Respondent No.2/insurer shall deposit the enhanced compensation 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.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

VS
List No.: 1 Sl No.: 27