



CNR: KAHC010281522025

NC: 2026:KHC:47400
MFA No. 3123 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3123 OF 2025

(MV-I)

BETWEEN:

SMT. GAYATHRI
W/O NARAYANACHARI
AGED ABOUT 46 YEARS
R/AT No. 1008, 13TH CROSS
2ND STAGE, HEBBAL VIJAYANAGARA POST
MYSURU-570 001.

...APPELLANT

(BY SRI P MAHADEVASWAMY, ADVOCATE)

AND:

1. MANJU
S/O LAKKAPPA
AGED ABOUT 50 YEARS
No.5, GAREEBI SITE, MELLAHALLI GRAMA
C. A. KERE HOBLI, BHARATHINAGARA
MADDUR TALUK, MANDYA DIST.-571 422.

2. THE MANAGER
UNITED INDIA INS. CO. LTD,
1ST FLOOR, CHAMARAJA JODI ROAD
NEAR BALLAL CIRCLE
MYSURU-07.

...RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 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 UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:04.12.2024 PASSED IN MVC No.1006/2020 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SPECIAL JUDGE AND MEMBER, MACT, MYSURU, 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 appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 04.12.2024 passed in MVC No.1006/2020 by the VI Additional District and Special Judge and Member, MACT, Mysuru.

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 made a claim petition praying to award compensation for the injuries sustained by him in a



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road traffic accident occurred on 08.01.2020 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-54-3648. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	30,000/-
02.	Loss of income during laid up period	43,500/-
03.	Medical bills	12,354/-
04.	Loss of income due to disability	1,21,800/-
	Total	2,07,654/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

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



6. Learned counsel for appellant would contend that Doctor has stated that the claimant is having 15% permanent physical disability and the disability taken by Tribunal at 5% is on lower side. The claimant has sustained five injuries and considering the same, the compensation awarded by the Tribunal towards pain and suffering is on lower side. The Tribunal has not awarded loss of amenities, attendance and conveyance charges and future medical expenses. The claimant has been admitted in the hospital for 9 days. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment, award and other materials placed on record.



9. The accident occurred on 08.01.2020 and the claimant was aged 45 years as on the date of the accident. The claimant has sustained the following injuries:

- Cut lacerated wound over the right fore arm 7 x 3 cms with bone exposure.
- Lacerated wound over the right supra orbital region 6 x 3 cms.
- Cut lacerated wound over the right chest 2 x 1 cm.
- Abrasion over the right elbow region
- CT scan shows left capsule ganglionic bleed with no mass effect.

10. The claimant underwent surgery. Considering the said aspect, the compensation awarded towards pain and suffering requires to be enhanced to Rs.80,000/- as against Rs.30,000/- awarded by the Tribunal. The Tribunal has not awarded loss of amenities. The claimant is having scar on her fore head. Considering the said aspect, the claimant is entitled to loss of amenities in a sum of



Rs.70,000/-. The claimant has been admitted in the hospital for 9 days and therefore, she is entitled to attendant, conveyance, food and nourishment etc. in a sum of Rs.9,000/- (Rs.1000 x 9 days). PW.2-Doctor has stated that the claimant requires further treatment and therefore, the claimant is entitled to future medical expenses of Rs.25,000/-.

11. PW.2 is the Doctor and he has examined the claimant, assessed the disability and stated that the claimant is having 15% permanent physical disability. The Tribunal has taken $\frac{1}{3}^{\text{rd}}$ of the same i.e. 5% as disability and applying multiplier '14' calculated loss of future income by taking the income of the claimant at Rs.14,500/-. The Tribunal has rightly taken the disability at 5% and awarded loss of future income which is just and proper.

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



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Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	80,000/-
02.	Loss of amenities	70,000/-
03.	Loss of income during laid up period	43,500/-
04.	Medical expenses	12,354/-
05.	Loss of future income	1,21,800/-
06.	Attendant, conveyance, food and nourishment etc.	9,000/-
07.	Future medical expenses	25,000/-
	Total	3,61,654/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.3,61,654/- as against Rs.2,07,654/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,54,000/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.



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- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,54,000/- with interest @ 6% p.a. 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) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 SI No.: 36
Ct.sm