



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 6551 OF 2025**

**(MV-I)**

**C/W**

**MISCELLANEOUS FIRST APPEAL No. 3150 OF 2025**

**(MV-I)**

**IN MFA No. 6551/2025**

**BETWEEN:**

SRI HARSHA H..S  
S/O. SHIVARAME GOWDA H.S  
AGED 20 YEARS.  
R/AT HERANDYAPANAHALLI VILLAGE  
KODIHALLI HOBLI.  
KANAKAPURA TALUK  
RAMANAGARA DISTRICT -562 117.

...APPELLANT

Digitally signed  
by  
  
PADMASHREE  
SHEKHAR  
DESAI

Location: HIGH  
COURT OF  
KARNATAKA

(BY SMT. NITHYA ABHILASH, ADVOCATE FOR  
SRI. PRAKASH M H, ADVOCATE)

**AND:**

1. SRI ANAND C.S.  
S/O. SHIVARAJU C.S  
AGE : MAJOR  
R/AT: CHANNASANDRA VILLAGE



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

KODIHALLI HOBLI.  
KANAKAPURA TALUK  
RAMANAGARA DISTRICT -562 159.

2. RELIANCE GEN. INS. CO. LTD..  
No.28, 5<sup>TH</sup> FLOOR  
CENTENARY BUILDING, M. G. ROAD.  
BANGALORE-560 001.  
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI D VIJAYA KUMAR, ADVOCATE FOR R2  
V/O DTD. 31.01.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT  
AGAINST THE JUDGMENT AND AWARD DATED:30.01.2025  
PASSED IN MVC No.4957/2023 ON THE FILE OF THE IX  
ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL  
CAUSES, MEMBER, MACT-7, BENGALURU, PARTLY ALLOWING  
THE CLAIM PETITION FOR COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

**IN MFA No. 3150/2025**

**BETWEEN:**

RELIANCE GENERAL INSURANCE CO.LTD.,  
No.28, 5<sup>TH</sup> FLOOR  
CENTENARY BUILDING, M.G. ROAD  
BENGALURU-560 001.  
REP. BY ITS MANAGER LEGAL.

...APPELLANT

(BY SRI. D VIJAYA KUMAR, ADVOCATE)

**AND:**

1. SRI HARSHA H S  
S/O. SRI SHIVARAME GOWDA H.S.  
AGED ABOUT 22 YEARS



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

RESIDING AT:  
HERANDYAPANAHALLI VILLAGE  
KODIHALLI HOBLI  
KANAKAPURA TALUK  
RAMANAGARA DISTRICT-562 119.

2. SRI ANAND C.S.  
S/O. SHIVARAJU C.S.  
MAJOR  
R/AT. CHANNASANDRA VILLAGE  
KODIHALLI HOBALI  
KANAKAPURA TALUK  
RAMANAGARA DISTRICT-562 159.

...RESPONDENTS

(BY SMT. NITHYA ABHILASH, ADVOCATE FOR  
SRI. PRAKASH M H, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:30.01.2025 PASSED IN MVC No.4957/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU, AWARDED COMPENSATION OF Rs.12,11,547/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THESE APPEALS, COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

MFA No.6551/2025 is filed by the claimant seeking enhancement of compensation awarded in the MVC No.4957/2023 and MFA No.3150/2021 is filed by the



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

insurer challenging the Judgment and Award dated 30.01.2025 passed by IX Additional Judge, Court of Small Causes and Member M.A.C.T., Bangalore (SCCH-7).

2. Even though the appeals are listed today for admission, they are taken up for disposal with the consent of learned counsels appearing for parties.

3. The claimant made a claim petition praying for compensation for the injuries sustained by him in a road traffic accident occurred on 16.07.2023, contending that the accident occurred due to the rash and negligent driving of the driver of swift car bearing registration No.KA-42/M-4384. The Tribunal after recording evidence and appreciating the evidence on record has assessed the compensation and awarded the compensation under various heads as under:

| Sl. No. | Compensation under different heads      | Amount in (Rs) |
|---------|-----------------------------------------|----------------|
| 1       | Loss of future income due to disability | 5,27,040-00    |
| 2       | Pain and suffering, mental agony        | 2,00,000-00    |



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

|              |                                      |                     |
|--------------|--------------------------------------|---------------------|
| 3            | Special diet and conveyance          | 18,000-00           |
| 4            | Loss of amenities                    | 1,00,000-00         |
| 5            | Loss of income during laid up period | 91,500-00           |
| 6            | Actual medical expenses              | 2,15,007-00         |
| 7            | Future medical expenses              | 60,000-00           |
| <b>Total</b> |                                      | <b>12,11,547-00</b> |

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed the insurer to deposit the award amount with interest. The insurer has filed appeal challenging the entire liability saddled on it and entire negligence attributed on the driver of the insured car. The claimant has filed appeal seeking enhancement of compensation awarded.

5. Heard learned counsel for insurer and learned counsel for claimant.

6. Learned counsel for insurer would contend that the rider of the motorcycle suddenly took turn and dashed to the right side of the car and sustained injuries and there is contributory negligence on the part of the rider of the



CNR: KAHC010581032025

**NC: 2026:KHC:50706**  
**MFA No. 6551 of 2025**  
***C/W MFA No. 3150 of 2025***

motorcycle who is the claimant. The Tribunal has not appreciated the evidence on record to consider the contributory negligence on the part of rider of motor cycle. He further submits that the claimant has sustained only two fractures. Considering the same, compensation awarded for pain and suffering, loss of amenities, loss of income during laid-up period, attendant and conveyance charges etc., are on higher side. The claimant has been admitted in hospital for 05 days and medical bills produced indicate that implant has been removed. Therefore, the claimant is not entitled for future medical expenses. P.W.2 is not treated doctor and he has stated that fracture is united. He has stated in his cross-examination that he has assessed the disability based on discharge summary. Therefore, the disability taken by the Tribunal based on the evidence of P.W.2 -doctor at 16% to the whole body is not proper. With these, he prays to allow appeal filed by the insurer.



CNR: KAHC010581032025

**NC: 2026:KHC:50706**  
**MFA No. 6551 of 2025**  
***C/W MFA No. 3150 of 2025***

7. Learned counsel for the claimant would contend that the charge sheet has been filed against the driver of the car and the insurer has not lead any evidence to prove contributory negligence on the part of the rider of the motorcycle/claimant. The claimant was riding the motorcycle on the main road. At that time, the car entered the main road and dashed against the motorcycle that itself indicates that entire negligence is on the part of the driver of the car. She further submits that the claimant was first year BAMS student aged 20 years. Considering the same, the notional income taken by the Tribunal is not proper and higher income is to be taken. The Tribunal has rightly taken the disability based on the evidence of the doctor and the fractures sustained by the claimant. The compensation awarded by the Tribunal under other heads is just and proper. With these, she prays to enhancement of compensation.



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

8. Having heard learned counsels, the Court has perused the impugned judgment, award and trial Court records.

9. The following points arise for consideration:

- i) Whether the Tribunal is justified in holding that the driver of the swift car is solely negligent in driving his car and causing the accident?
- ii) Whether the compensation awarded by the Tribunal is just and proper and are there any grounds for enhancement of compensation?

**Reasons to Point No.1:** Ex.P8 is the charge sheet and it is filed against the driver of the swift car bearing registration No. KA-42/M-4384 for offences punishable under Sections 279 and 338 of IPC. The driver of the car has not challenged the said charge sheet filed against him. The charge sheet has not been filed against the rider of the motorcycle for rash and negligent driving and contributing to the accident. Ex.P4 is sketch of the spot of the accident which indicate that the road is four lane road



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

and the rider of the motorcycle was on the road from Bangalore to Kanakapura and swift car came from village road and entered the main road and dashed to the motorcycle. Considering the said aspect, the Tribunal has rightly held that the entire negligence is on the part of the driver of the swift car. Accordingly, point No.1 is answered.

10. **Reasons to point No.2:** The accident occurred on 16.07.2023 and as on the date of accident, the claimant was aged 20 years, studying in first year of BAMS course. Ex.P18 is the identity card of the claimant issued by Sri College of Ayurveda Science and Research, which indicates that the claimant is studying in BAMS course of the batch 2021-2022. Even though, the claimant is studying in BAMS course, the Tribunal has taken notional income fixed for unskilled labourers. Since the claimant is studying in BAMS course, which is professional course, the income of the claimant is to be taken higher than the notional income. Considering the said aspect, the income



CNR: KAHC010581032025

**NC: 2026:KHC:50706**  
**MFA No. 6551 of 2025**  
**C/W MFA No. 3150 of 2025**

of the claimant is to be taken at Rs.22,000/- as against Rs.15,250/- as taken by the Tribunal. The claimant has sustained the following injuries as per Ex.P7 wound certificate:

1. Fracture shaft left femur
2. Para Symphysis fracture

Injuries sustained by the claimant are grievous in nature. P.W.2 is doctor who has examined the claimant and assessed the disability and stated that the claimant is having disability to the left lower limb at 47% and 16% to the whole body and the Tribunal has taken 16% disability to the whole body for calculating the loss of future income due to disability. P.W.2 in his evidence has stated that fracture is united and he has not treated the claimant and he has only considered the discharge summary while assessing the disability of the claimant. Considering the said aspect, the disability taken by the Tribunal at 16% is on higher side and disability to be taken is at 10% to the



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

whole body. The age of the claimant is 20 years and multiplier applicable is '18' and the Tribunal has rightly applied the said multiplier. Considering the same, the loss of future income due to disability is calculated as under:

$$\text{Rs.}22,000 \times 12 \times 18 \times 10\% = \text{Rs.}4,75,200/-.$$

11. Considering the fractures sustained by the claimant noted supra, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.2,00,000/- and loss of amenities in a sum of Rs.1,00,000 is just and proper.

12. The claimant has been admitted in the hospital for 05 days. Considering the same, the Tribunal has rightly awarded conveyance and attendant charges, food and nourishment etc., in a sum of Rs.18,000/-. Considering the fractures sustained, the claimant has to take rest at least for 02 months. Therefore, she is entitled to loss of income during laid up period in a sum of Rs.44,000/- (Rs.22,000/- x 2 months) as against Rs.91,500/- as



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

awarded by the Tribunal. The Tribunal considering the bills and documents produced has rightly awarded medical expenses of Rs.2,15,007/-.

13. Learned counsel referring to medical receipt dated 21.09.2023 would contend that the claimant has undergone operation for removal of implant and the bill amount is Rs.9,500/-. On perusal, the said bill does not indicate that the said operation underwent by the claimant is for removal of implant. P.W.2 doctor has stated that the claimant has to undergo surgery for removal of implant and estimated the expenses are to be Rs.60,000/-. Considering the same, the Tribunal has rightly awarded future medical expenses at Rs.60,000/-.

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

| Sl.No. | Heads                                    | Amount in (Rs.) |
|--------|------------------------------------------|-----------------|
| 01.    | Towards Pain and Suffering               | 2,00,000/-      |
| 02.    | Towards Medical Expenses                 | 2,15,007/-      |
| 03.    | Towards attendant and Conveyance charges | 18,000/-        |
| 04.    | Towards loss of amenities                | 1,00,000/-      |



CNR: KAHC010581032025

NC: 2026:KHC:50706  
MFA No. 6551 of 2025  
C/W MFA No. 3150 of 2025

|              |                                              |                    |
|--------------|----------------------------------------------|--------------------|
| 05.          | Towards loss of future income                | 4,75,200/-         |
| 06.          | Towards loss of income during laid up period | 44,000/-           |
| 07.          | Future Medical Expenses                      | 60,000/-           |
| <b>Total</b> |                                              | <b>11,12,207/-</b> |

The claimant is entitled to total compensation of Rs.11,12,207/- as against Rs.12,11,547/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation. The insurer is liable to pay the said compensation with interest. Accordingly, point No.2 is answered.

15. In view of the above, the following

ORDER

- i) Both appeals are ***allowed in part.***
- ii) The claimant is entitled to total compensation of Rs.11,12,207/- as against Rs.12,11,547/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.



CNR: KAHC010581032025

**NC: 2026:KHC:50706**  
**MFA No. 6551 of 2025**  
**C/W MFA No. 3150 of 2025**

- iii) The insurer shall deposit the compensation with interest before the Tribunal within a period of 06 weeks from this day including the amount already deposited.
- iv) The amount in deposit is ordered to be transmitted to the Tribunal.
- v) The appellant -claimant is entitled to release of the entire compensation amount.

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

DSP  
List No.: 1 Sl No.: 42