



CNR: KAHC010285182026

NC: 2026:KHC:52850
MFA No. 2974 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2974 OF 2026 (MV-I)

BETWEEN:

SMT. PALLAVI S.
D/O R. SHIVA SHANKAR,
W/O CHETAN H.K,
AGED ABOUT 31 YEARS,
RESIDING AT NAGASANDRA ROAD,
OPP. SPANDANA APARTMENTS,
CHALLAGHATTA, YAMALUR,
BENGALURU-560 037.

SINCE UNSOUND MIND
REPRESENTED BY HER HUSBAND
AS GUARDIAN CHETAN H.K.
S/O H.N.KRISHNA REDDY,
R/AT 1605, VINAYAKA NAGAR,
1ST CROSS, NEAR SHRI RAMA TEMPLE,
HEBBAGODI, BENGALURU SOUTH,
BENGALURU-560 009.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K. T, ADVOCATE)

AND:

1. THE NEW INDIA ASSURANCE CO. LTD.,
BY ITS MANAGER,
3RD PARTY CLAIMS HUB,
NO.9/2, MAHALAKSHMI CHAMBERS,
M.G.ROAD, BENGALURU-560 001.

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2. JEEVAN JACOB. T,
AGED ABOUT 35 YEARS,
R/AT KALLARAKKAL THEKKEPURA VEEDU,
ELAMPALLOOR, KOLAM,
KUNDARA, KERALA-691 501.

...RESPONDENTS

(BY SRI. G. S. MARULAI AH, ADVOCATE FOR R1;
R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 14/02/2025
PASSED IN MVC NO.6462/2022 ON THE FILE OF THE II ADDL.
JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF
SMALL CAUSES, BENGALURU, 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 14.09.2022 passed in MVC
No.6462/2022 by III Additional Small Causes Judge and
Member, MACT and ACJM, Benglauru (SCCH-18).

2. In spite of service of notice, respondent No.2
remains unrepresented.

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3. Even though the matter is listed today for admission, 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.

4. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 14.09.2022 contending that the accident occurred due to rash and negligent driving by the rider of motorcycle bearing registration No.KL-02-BN-6595.

5. 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. 2,00,000/-
2.	Loss of income during laid-up period and rest period	Rs. 1,86,000/-
3.	Medical expenses	Rs. 34,04,769/-

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4.	Attendant, nourishment and conveyance charges a) Attendant charges of Rs.2,00,000/- b) Food and nourishment charges of Rs.1,50,000/-	Rs. 3,50,000/-
5.	Loss of future income due to disability	Rs. 12,64,800/-
6.	Loss of amenities	Rs. 1,00,000/-
7.	Future medication	Rs. NIL
	Total	Rs. 55,05,569/-

6. 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. The claimant has filed the present appeal seeking enhancement of compensation.

7. Heard the learned counsel for appellant and learned counsel for respondent No.1/insurer.

8. The accident occurred on 14.09.2022 and as on the date of accident the claimant was aged twenty seven (27) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '17'. Since no

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income proof is produced, the Tribunal has rightly taken national income at Rs.15,500/- per month. The claimant has sustained head injury.

9. Learned counsel for the appellant referring to the observations made by the Tribunal in paragraph Nos.29 and 30 contended that the disability is to be taken at 100%.

10. Learned counsel for respondent No.1/Insurer submits that the disability taken by the Tribunal at 40% is just and proper.

11. The Tribunal based on the evidence of P.W.1 and P.W.2 has observed in paragraph Nos.29 and 30 as under:

"29. The PW2 herein, asserting that, petitioner had sustained permanent disability, consequent upon the injuries sustained by her. In order to prove the same, the PW2 has relied on his evidence along with the wound certificate and other medical documents. In the evidence of the

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PW2, reiterated the same thing forthcoming in the main petition. As already discussed above, wound certificate placed by him as per Ex.P9 goes to show that, petitioner had sustained grievous head injury for which she took the treatment as an inpatient. To substantiate this, the petitioner had placed discharge summaries for consideration. Apart from this, another material witness by name Dr.Shailesh A.V.Rao examined as PW1. PW1 has stated in his evidence that the petitioner has sustained low GCS of E1M1Vt and had been intubated. CT brain revealed left temporo parieto occipital extradural hematoma. She underwent emergency craniotomy and evacuation of hematoma on 15.9.2022. She was also treated with medications and was on mechanical ventilator. On 19.9.2022, she underwent tracheostomy on 10.10.2022 she underwent scalp flap rotation, with treatment she gradually improved and weaned off the mechanical ventilatory. She had right hemiplegia. She was discharged on 10.11.2022. Subsequently underwent physiotherapy and rehabilitation at Sukino Health care. She was again admitted to NH hospital on

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23.1.2023 and underwent autologous cranioplasty. She was discharged on 30.1.2023. She continues to be on treatment at Sukino Healthcare. She was not able to work as a painter and fashion designer. Currently she is on tracheostomy tube, PEG tube, diapers and is bounded on a wheel chair. She has slurred speech, impaired memory and impaired intelligence. She has right sided weakness along with left facial nerve paresis.

30. On examination revealed petitioner had conscious with surgical scar over left side of head. She was brought on a wheel chair and was unable to stand or walk independently, She had a phonating tracheostomy tube, PEG tube and diapers. Slurred speech, spastic weakness on right side with power of around 4/5. She had impaired memory and intelligence. On skull x-ray shows she had left sided fronto temporo parietal craniotomy, Mini plates and screws are seen in situ. As per Neuropsychological assessment petitioner IQ was 65 (normal range being 90-109) she is below average in thinking and reasoning. She has poor functioning of

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frontal and temporal lobes. On ideas she obtained score of 13. suggested 40-70% disability.

12. The claimant was not in a position to represent herself and give evidence and therefore the claim petition has been filed by her husband representing the claimant as a guardian and he has given evidence. The claimant is having right hemiplegia and she is wheelchair bounded. The claimant requires continuous help of attendant. Considering the said observations made by the Tribunal in paragraph Nos.29 and 30, the functional disability is to be taken at 100%. Since disability is taken as 100%, the future prospects are to be added at 40%. In view of the same, loss of future income due to disability is calculated as under:

$$\begin{aligned} \text{Rs.15,500/-} + 40\% &= \text{Rs.21,700/-} \times 12 \times 17 \times \\ 100\% &= \text{Rs.44,26,800/-} \end{aligned}$$

13. The claimant is having right hemiplegia and she is wheelchair bounded and considering the same, the

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claimant requires attendant throughout her life and therefore she is entitled for attendant charges at the rate of Rs.15,500/- per month for seventeen (17) years, which comes to Rs.31,62,000/- (Rs.15,500/- X 12 X 17).

14. The Tribunal has rightly awarded medical expenses of Rs.34,04,769/-, pain and suffering in a sum Rs.2,00,000/- and loss of amenities in a sum of Rs.1,00,000/-. In view of taking disability at 100%, the claimant is not entitled to loss of income during laid up period awarded by the Tribunal in a sum of Rs.1,86,000/-. The claimant has been admitted in hospital for 313 days and considering the same, the compensation awarded by the Tribunal towards attendant, conveyance charges, food and nourishment etc. in a sum of Rs.3,50,000/- is just and proper.

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

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2.	Loss of amenities	Rs. 1,00,000/-
3.	Medical expenses	Rs. 34,04,769/-
4.	Attendant, conveyance, food and nourishment charges etc.	Rs. 3,50,000/-
5.	Loss of future income due to disability	Rs. 44,26,800/-
6.	Attendant charges throughout life	Rs. 31,62,000/-
	Total	Rs. 1,16,43,569/-

16. The claimant is entitled to total compensation of Rs.1,16,43,569/- as against Rs.55,05,569/- awarded by the Tribunal with interest.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.61,38,000/- (Rs.1,16,43,569/- - Rs.55,05,569/-) with interest at the rate of 6% per annum from the date of petition till realisation.

18. The claimant is not entitled to interest for delay period of 337 days in filing the appeal as per order dated 29.04.2026 passed on I.A.No.1/2026.

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19. The claimant is not entitled to interest awarded for attendant charges throughout life in a sum of Rs.31,62,000/-.

20. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

21. 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.61,38,000/- 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 interest before the Tribunal within a period of six weeks from this day.*
- iv) *The claimant is not entitled to interest for delay period of 337 days in filing the appeal.*

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- v) *The claimant is not entitled to interest on attendant charges throughout life in a sum of Rs.31,62,000/-.*
- vi) *Out of the enhanced compensation, Rs.50,00,000/- shall be kept in Fixed Deposit in the name of the claimant in Karnataka Bank, City Civil Court Branch, Bengaluru, for a period five (05) years.*
- vii) *The husband of the claimant is entitled to receive quarterly interest on the said Fixed Deposit.*
- viii) *The appellant/claimant is entitled to release of remaining enhanced compensation amount with interest (The claimant is represented by guardian).*

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 0