



CNR: KAHC010297612026

NC: 2026:KHC:51696
MFA No. 3132 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. 3132 OF 2026 (MV-I)

BETWEEN:

UTTARAKUMAR KANNAN
S/O. KANNAN
AGED ABOUT 36 YEARS
R/AT. NO.2/381,
COLONY WEST STREET,
MELAPALANGUR, VILLUPURAM
TAMIL NADU - 606 205.

...APPELLANT

(BY SRI. CHANDRASHEKAR SWAMY K.B, ADVOCATE)

AND:

1. UNITED INDIA INSURANCE COMPANY LTD.,
REGIONAL OFFICE,
REP. BY ITS MANAGER
5TH AND 6TH FLOOR
KRISHI BHAVAN,
HUDSON CIRCLE,
BANGALORE - 560 001.

2. ASWINI
C/O RAJESH K
AGED ABOUT 46 YEARS
R/AT NO.11/4, 6TH MAIN
7TH CROSS, HONGASANDRA
BEGURU ROAD, BOMMANAHALLI





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BANGALORE - 560 068.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R1;
VIDE ORDER DATED 28.07.2026, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.11.2025 PASSED IN MVC
NO. 2337/2024 ON THE FILE OF THE II ADDITIONAL JUDGE
AND ACJM, COURT OF SMALL CAUSES, MEMBER, MACT,
BENGALURU (SCCH-13), 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
20.11.2025 passed in MVC No.2337/2024 by II Additional
Judge, Court of Small Causes and MACT, Bengaluru (SCCH-13).

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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.1/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 29.02.2024 due to the rash and negligent driving of the driver of the car bearing registration No.KA-41-B-0572.

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.	Loss of future earnings	Rs. 3,80,160
2.	Pain and Sufferings	Rs. 50,000
3.	Loss of amenities	Rs. 35,000
4.	Medical expenses	Rs. 26,301
5.	Future Medical expenses	Rs. 15,000
6.	Conveyance, Food, Nourishment & Attendant charges	Rs. 10,000
7.	Loss of income during laid up period	Rs. 66,000
	Total	Rs. 5,82,461

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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.1/Insurer to deposit the awarded amount with interest. The present appeal is filed by the claimant seeking enhancement of the compensation awarded by the Tribunal.

6. Heard the learned counsel for the appellant and learned counsel for respondent No.1/Insurer.

7. The accident occurred on 29.02.2024 and as on the date of the accident, the claimant was aged 36 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '16'. The notional income fixed for the year 2024 by Karnataka State Legal Service Authority is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

8. The claimant sustained fracture of left tibia and fibula and second and third left metatarsal fractures and abrasions over the left arm and forearm. Considering the said injuries/fractures, the compensation awarded by the Tribunal

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towards pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.60,000/- and loss of amenities awarded in a sum of Rs.35,000/- is enhanced to Rs.45,000/-. The claimant has been admitted in the hospital for 19 days. Considering the same, the claimant is entitled to attendant, conveyance charges, food, nourishment etc., in a sum of Rs.19,000 (1,000 x 19 days) as against Rs.10,000/- awarded by the Tribunal. The tribunal has awarded loss of income during laid up period for 4 months taking the income at Rs.16,500/- per month. Now income taken is Rs.17,000/-. Therefore the claimant is entitled to a sum of Rs.68,000/- (17,000 x 4 months) towards loss of income during laid up period.

9. PW-2 is the Doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 60% disability to the left lower limb and 20% to the whole body and Tribunal has taken disability at 12%. The claimant is aged 36 years and he is stated to be working as a salesman in D-Mart. Considering the said avocation of the claimant, the functional disability is to be taken at 20%. The PW-2 Doctor has stated that the fractures are not united. As

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disability taken is 20%, the claimant is entitled to future prospects at 40%. In view of the above, the claimant is entitled to loss of future income due to disability as under:-

$$\text{Rs.}17,000 \times 12 \times 16 \times 20\% = 6,52,800/- + 40\% (2,61,120) = 9,13,920/-.$$

10. PW-2 Doctor has stated that the claimant has to undergo surgery for removal of implant and considering the same, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses based on the bills.

11. 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	Rs. 9,13,920
2.	Pain and suffering	Rs. 60,000
3.	Loss of amenities	Rs. 45,000
4.	Loss of income during laid up period	Rs. 68,000
5.	Medical expenses	Rs. 26,301
6.	Attendant, Conveyance, Food, Nourishment charges	Rs. 19,000
7.	Future medical expenses	Rs. 30,000
	Total	Rs. 11,62,221

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12. The claimant is entitled to total compensation of Rs.11,62,221/- as against Rs.5,82,461/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.5,79,760/- with interest at the rate of 6% per annum from the date of petition till realization.

13. The claimant is not entitled to interest on enhanced future medical expenses of Rs.15,000/-.

14. Respondent no. 1/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.5,79,760/- with interest at the rate of 6% per annum from the date of petition till realization.

III. The claimant is not entitled to interest on enhanced future medical expenses of Rs.15,000/-.

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IV. Respondent No.1/Insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

V. The appellant/claimant is entitled to release of entire enhanced compensation with interest.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

VS
List No.: 1 Sl No.: 28