



CNR: KAHC010298532026

NC: 2026:KHC:50214
MFA No. 3133 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3133 OF 2026

(MV-I)

BETWEEN:

SRI KADIRAPPA
S/O DAVARASIDDAPPA
AGED ABOUT 77 YEARS
R/AT BOORAGAMAKALAPALLI
SRINIVASAPURA TALUK
RAYAPAD, KOLAR – 563 134.

...APPELLANT

(BY SRI BHAGEERATHI L, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

1. UNITED INDIA INS CO. LTD.,
TP HUB, 5TH AND 6TH FLOOR
KRUSHI BHAVANA, HUDSON CIRCLE
NRUPATHUNGA ROAD
BENGALURU – 560 001.
REPRESENTED BY ITS BRANCH MANAGER.
2. MR MALLIKARJUNA T
S/O SUBBAREDDY G
AGED ABOUT 43 YEARS
R/AT THUMALAPALLI VILLAGE
GOWNIPALLI POST



CNR: KAHC010298532026

NC: 2026:KHC:50214
MFA No. 3133 of 2026

SRINIVASPURA TALUK
KOLAR – 563 131.

...RESPONDENTS

(BY SRI MANJULA N TEJASWI, ADVOCATE FOR R1
V/O DTD. 16.07.2026, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:19.02.2026 PASSED IN MVC No.1020/2024 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, BENGALURU (SCCH-23), 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

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 19.02.2026 passed in MVC No. 1020/2024 by the XXI Additional Small Cause Judge and Member, MACT, Bengaluru (SCCH-23).

2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing



for appellant – claimant and learned counsel appearing for respondent No. 1 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 01.01.2024 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-07-EH-2857. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Attendant charges, extra nutritious food & conveyance charges	Rs.21,600.00
2	Pain and suffering	Rs.40,000.00
3	Loss of income during laid up period	Rs.28,000.00
4	Medical expenses	Rs.92,200.00
5	Loss of future income due to disability	Rs.33,600.00
6	Loss of future amenities & happiness	Rs.40,000.00
7	Future medical expenses	NIL
	Total	Rs.2,55,400.00



4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No.1 – Insurer.

6. The accident occurred on 01.01.2024 and as on the date of the accident appellant – claimant was aged 78 years. Multiplier applicable to the said age is `5'. Claimant had sustained left comminuted displaced intertrochantric fracture with subtrochantric extension without DNVD. Considering the said injury sustained by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- and loss of amenities in a sum of Rs.40,000/- is just and proper.



7. The Tribunal has taken the notional income of the claimant at Rs.7,000/- per month considering the age of the claimant as 78 years and his occupation as agriculture. Claimant has not produced any documents to show that he owns agricultural lands and was doing agriculture. Notional income fixed for the year 2024 is Rs.17,000/-. Considering the age of the claimant said notional income cannot be taken and notional income is to be taken at Rs.10,000/- as against Rs.7,000/- taken by the Tribunal.

8. P.W.2 is the Doctor who has examined the claimant and assessed the disability and stated that claimant had sustained 52% disability to the left lower limb and 17% to the whole body. Whenever there is disability to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as the disability to the whole body. Considering the same, disability to the whole body is to be taken at 17% as against 8% taken by the Tribunal.



9. In view of the above, loss of future income due to disability is calculated as under:

$$10000 \times 12 \times 5 \times 17\% = \text{Rs.}1,02,000/-$$

10. The Tribunal has rightly awarded loss of income during laid up period for a period of 4 months. Now the income taken is Rs.10,000/-. Therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.40,000/- (Rs.10,000 X 4 months). The Tribunal has rightly awarded medical expenses and attendant charges, extra nutritious food and conveyances charges.

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

1	Attendant charges, extra nutritious food & conveyance charges	Rs.21,600.00
2	Pain and suffering	Rs.40,000.00
3	Loss of income during laid up period	Rs.40,000.00
4	Medical expenses	Rs.92,200.00
5	Loss of future income due to disability	Rs.1,02,000.00
6	Loss of future amenities &	Rs.40,000.00



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MFA No. 3133 of 2026

	happiness	
	Total	Rs.3,35,800.00

12. Considering the above aspects claimant is entitled to total compensation of Rs.3,35,800/- as against Rs.2,55,400/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.80,400/-. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.80,400/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 1 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.



NC: 2026:KHC:50214
MFA No. 3133 of 2026

CNR: KAHC010298532026

d) Appellant - claimant is entitled to release of entire enhanced compensation.

Registry is directed to send back the trial Court records.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 42
Ct.sm