



CNR: KAHC010302962026

NC: 2026:KHC:47038
MFA No. 3194 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3194 OF 2026
(MV-I)

BETWEEN:

SRI. PUTTARASEGOWDA
S/O. LATE ARASEGOWDA,
AGED 50 YEARS,
R/AT HALASURU VILLAGE, KODIHALLI HOBLI,
KANAKAPURA TALUK, RAMANAGARA,
BANGALORE SOUTH DISTRICT - 562 117.

...APPELLANT

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

AND:

1. SRI. GIRISHA H.P.
S/O. PUTTAMADEGOWDA,
AGE MAJOR,
R/AT: AGARA VILLAGE,
KODIHALLI HOBLI, RAMANAGARA,
BANGALORE SOUTH - 562 121.
2. HDFC ERGO GEN. INS. CO. LTD.,
OFFICE AT: HM GENEVA HOUSE,
UNIT NO.14, 108 TO 111, 1ST FLOOR,
CUNNINGHAM ROAD,
BANGALORE - 560 052,
REP. BY ITS MANAGER.
3. SRI. ARUN D.D.
S/O. DODDALINGEGOWDA,
AGE MAJOR,
R/AT HANCHAGULI VILLAGE,


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



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KODIHALLI HOBLI, KANAKAPURA TALUK
RAMANAGARA,
BANGALORE SOUTH DISTRICT - 562 119.

...RESPONDENTS

(BY SRI. O. MAHESH, ADVOCATE FOR R2;
VIDE ORDER DATED 09.06.2026, NOTICE TO R1 & R3 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.09.2025 PASSED IN MVC
NO.6832/2024 ON THE FILE OF THE XIV ADDITIONAL SMALL
CAUSES JUDGE, ACJM AND MEMBER, MOTOR ACCIDENT
CLAIMS TRIBUNAL, BANGALORE, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR FURTHER ORDERS, 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 12.09.2025 passed in MVC
No.6832/2024 by XIV Additional Small Causes Judge,
ACJM and Member, MACT, Bengaluru (SCCH-10).

2. Even though the matter is listed today for further
orders, with the consent of both the learned counsel for



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appellant and learned counsel for respondent No.2/insurer,
the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 13.06.2024 contending that the accident occurred due to rash and negligent driving by the driver of Goods Carrier Mahendra Bolero bearing registration No.KA-40-B-0925.

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.	Medical expenses	Rs. 24,500/-
2.	Pain and sufferings	Rs. 30,000/-
3.	Nourishment and diet food	Rs. 10,000/-
4.	Loss of future earning capacity due to permanent disability	Rs. 6,43,500/-
5.	Loss of amenities	Rs. 30,000/-
6.	Future medical expenses	Rs. 50,000/-
	Total	Rs. 7,88,000/-



5. 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.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellant would contend that, the claimant has sustained three (03) fractures and considering the same, the compensation awarded towards pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. The claimant has been admitted in hospital for thirty (30) days and attendant and conveyance charges awarded is on lower side. P.W.2 - Doctor who has examined the claimant and assessed his disability of right lower limb at 66%, right hand at 37% and whole body at 31% and the disability



taken by the Tribunal at 25% is on lower side. The notional income fixed by the Karnataka State Legal Services Authority for the year 2024 is Rs.17,000/- and the said income is to taken as against Rs.16,500/- taken by the Tribunal. Even though the Tribunal has taken the disability at 25%, future prospects are not added. With these, she prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the disability taken and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 13.06.2024 and the claimant was aged forty nine (49) years as on the date of



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accident. The notional income fixed for the year 2024 is Rs.17,000/- and the said income is to taken as against Rs.16,500/- taken by the Tribunal. The claimant was aged forty nine (49) years and therefore, the Tribunal has rightly applied multiplier '13'. P.W.2 - Doctor has stated that the claimant has sustained disability of right lower limb at 66%, right hand at 37% and whole body at 31%. The claimant has sustained Right proximal tibia fracture with distal femur fracture with right quadriceps tear with right 3rd finger. The claimant was an agriculturist. Considering the said injuries sustained and evidence of P.W.2 - Doctor, the Tribunal has rightly taken the functional disability at 25%. Even though, the disability taken is more than 20%, the Tribunal has not taken future prospects. The claimant being aged forty nine (49) years is entitled to future prospects at 25%. In view of the same, loss of future income is calculated as under:

$$\begin{aligned} &\text{Rs.17,000/-} + 25\% (\text{Rs.4,250/-}) = \text{Rs.21,250/-} \times 12 \\ &13 \times 25\% = \text{Rs.8,28,750/-} \end{aligned}$$



11. Considering the injuries sustained by the claimant noted *supra*, he is entitled to compensation towards pain and sufferings in a sum of Rs.75,000/- as against Rs.30,000/-, loss of amenities in a sum of Rs.60,000/- as against Rs.30,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses and future medical expenses. The claimant has been admitted in hospital for thirty (30) days and therefore, he is entitled to attendant and conveyance charges in a sum of Rs.30,000/- (Rs.1,000/- X 30 days) as against Rs.10,000/- awarded by the Tribunal towards nourishment and diet food. The Tribunal has not awarded loss of income during laid up period. Considering the injuries/fractures sustained by the claimant, he has to take rest atleast for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000/- X 03 months).



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

Sl. No.	Particulars	Amount
1.	Medical expenses	Rs. 24,500/-
2.	Pain and sufferings	Rs. 75,000/-
3.	Attendant and conveyance charges	Rs. 30,000/-
4.	Loss of future income	Rs. 8,28,750/-
5.	Loss of amenities	Rs. 60,000/-
6.	Future medical expenses	Rs. 50,000/-
7.	Loss of income during laid up period	Rs. 51,000/-
	Total	Rs. 11,19,250/-

13. The claimant is entitled to total compensation of Rs.11,19,250/- as against Rs.7,88,000/- awarded by the Tribunal with interest.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.3,31,250/- (Rs.11,19,250/- - Rs.7,88,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.



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15. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

16. 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.3,31,250/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

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