



CNR: KAHC010308662026

NC: 2026:KHC:44052
MFA No. 3245 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3245 OF 2026 (MV-I)

BETWEEN:

SRI C T VIJAY
S/O THIMMATAH
NOW AGED ABOUT 46 YEARS
RESIDING AT:
KANDIKERE
ANKANABAVI
MUDDENAHALLI POST
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT-572 228.

...APPELLANT

(BY SRI. B CHANDRASHEKHARAIHAH, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. MR VENUGOPAL
S/O HANUMANTHAPPA
RESIDING AT:
KAMSAGARA
PUNYASTHALA
DAVANAGERE -577 551.
2. SHRIRAM GENERAL INSURANCE COMPANY LTD.,
TP CLAIM HUB, No.3/5,
3RD FLOOR, SV ARCADE
BILEKAHALLI MAIN ROAD
OFF BANNERGHATTA ROAD



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IIMB POST BENGALURU-560 078.
BY ITS MANAGER.

...RESPONDENTS

(BY SRI ANUP SEETHARAMA RAO, ADVOCATE FOR R2
NOTICE TO R1-D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:07/01/2026 PASSED IN MVC No.8114/2023 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES , AT BENGALURU., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation award in the judgment and award dated 07.01.2026 in MVC No. 8114/2023 by the XXIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-25).

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. 2 – Insurer it is taken up for disposal.



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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 08.11.2023 due to the rash and negligent driving by the driver of car bearing registration No. KA-53-A-4822. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Medical Expenses	Rs.6,71,891.00
2	Loss of income during treatment	Rs.7,460.00
3	Attendant, Food & Nourishment charges	Rs.14,000.00
4	Pain and Suffering	Rs.50,000.00
5	Loss of future earning on account of disability	Rs.3,33,312.00
6	Future Medical Expenses	Rs.20,000.00
	Total	Rs.11,04,663.00

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. 2 – Insurer to deposit the said award



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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. 2 – Insurer.

6. Learned counsel for appellant would contend that claimant had sustained four injuries and out of them one was head injury. Considering the same, compensation awarded by the Tribunal towards 'pain and suffering' is on lower side. The Tribunal has not awarded 'loss of amenities'. Claimant was admitted in the hospital for 16 days and considering the same compensation awarded towards 'attendant, food and nourishment charges' is on lower side. Considering injuries sustained claimant had to take rest at-least for 3 months and therefore, compensation awarded by the Tribunal towards 'loss of income during laid-up period' is on lower side. P.W.2 is the Doctor and he has assessed the disability at 62% to the left lower limb, 32% to the whole body and the Tribunal has erred in taking the disability as 12.4%. The Tribunal has taken



the notional income at Rs.16,000/-. As per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2023 is Rs.16,250/- and it is to be taken. The claimant had sustained head injury. Therefore, disability on account of head injury is also to be taken into consideration. Even though P.W.2 - Doctor has stated that claimant has to undergo operation for removal of implant and estimated cost for the same would be around Rs.40,000/-, the Tribunal has awarded Rs.20,000/- towards future medical expenses. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 - Insurer would contend that compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement of the compensation. Disability has been taken into consideration based on the evidence of the Doctor who has stated the disability of lower limb and disability to the whole body is to be taken at 1/5th of the disability to the lower limb. P.W.2 - Doctor is not the treated Doctor. With this, he prayed to dismiss the appeal.



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8. Having heard learned counsel for the parties, this Court has perused the judgment and award.

9. Claimant had sustained the following injuries;

- i. Severe head injury multiple left temporal intra cerebral contusion
- ii. Severe post traumatic behavior disorder
- iii. Compound type II A left leg both bone fracture
- iv. Right Hemopneumothorax with multiple ribs fracture with flail chest

10. Considering the said injuries sustained by the claimant the compensation awarded by the Tribunal towards 'pain and suffering' in a sum of Rs.50,000/- requires to be enhanced to Rs.1,00,000/-.

11. Claimant had sustained injury to his head. The Tribunal has not awarded 'loss of amenities'. Therefore, claimant is entitled to 'loss of amenities' in a sum of Rs.50,000/-.



12. Considering the injuries sustained claimant had to take rest for 3 months. Therefore, claimant is entitled to 'loss of income during laid-up period' in a sum of Rs.48,750/- (Rs.16,250 X 3 months) as against Rs.7,460/- awarded by the Tribunal.

13. Claimant was admitted in the hospital for 16 days. Therefore, claimant is entitled to 'attendant, food and nourishment charges' in a sum of Rs.16,000/- (Rs.1,000 X 16 days) as against Rs.14,000/- awarded by the Tribunal.

14. P.W.2 is the Doctor who has examined the claimant and assessed the disability. He has stated that claimant had sustained 62% disability to the left lower limb and 32% to the whole body. The Tribunal has taken the disability at 12.4%. As the disability is to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken into consideration as the disability to the whole body. Therefore, disability is to be taken at 21% ($\frac{1}{3}^{\text{rd}}$ of 62%). The Tribunal has taken the notional income at Rs.16,050/-. As per the chart prepared by the Karnataka State Legal Services



Authority notional income fixed for the year 2023 is Rs.16,250/- and the same is to be taken. As disability is more than 20%, future prospects are to be taken at 25% as age of the appellant was 43 years. Therefore, loss of future income is calculated as under:

$$\text{Rs.16,250} + 4,063 (25\%) = \text{Rs.20,313/-}$$

$$\text{Rs.20313} \times 12 \times 14 \times 21\% = \text{Rs.7,16,643/-}$$

15. The Tribunal has rightly awarded medical expenses. P.W.2 has stated that the claimant has to undergo operation for removal of implant and cost the same would be around Rs.40,000/-. Therefore, claimant is entitled Rs.30,000/- towards future medical expenses as against Rs.20,000/- awarded by the Tribunal.

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

1	Medical Expenses	Rs.6,71,891.00
2	Loss of income during treatment	Rs.48,750.00
3	Attendant, Food &	Rs.16,000.00



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	Nourishment charges	
4	Pain and Suffering	Rs.1,00,000.00
5	Loss of future earning on account of disability	Rs.7,16,643.00
6	Future Medical Expenses	Rs.30,000.00
7	Loss of amenities	Rs.50,000.00
	Total	Rs.16,41,284.00

17. Considering the above aspects claimant is entitled to total compensation of Rs.16,41,284/- as against Rs.11,04,663/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.5,36,621/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

18. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.5,36,621/- with interest at the rate



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of 6% p.a. from the date of petition till the date of realization.

c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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 SI No.: 7
Ct.sm