



CNR: KAHC010313472026

NC: 2026:KHC:39927
MFA No. 3301 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3301 OF 2026
(MV-I)

BETWEEN:

SRI. MADHU CHAOWAN
S/O BALYA NAIK,
AGED ABOUT 29 YEARS,
RESIDING AT BYALADALU VILLAGE,
NAGARALU POST,
KADUR TALUK - 577 548.

NOW C/O CHANDRA NAIK,
ASSISTANT SUB-INSPECTOR,
D.A.R. QUARTERS,
D.NO.B-21,
RAMANAHALLI,
CHIKKAMAGALURU - 577 101.

...APPELLANT

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

(BY SRI. VENKATE GOWDA K., ADVOCATE)

AND:

1. SRI. PARAMESHWARAPPA N.G.
S/O GUTHYAPPA,
AGED ABOUT 48 YEARS,
WORKING AS PANCHAYATH DEVELOPMENT OFFICER
AT PURADALU GRAMA PANCHAYATH,
RESIDENT OF SUGUR,
HOLALURU HOBLI,
SHIVAMOGGA TALUK AND DISTRICT - 577 201.



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2. THE MANAGER,
HDFC ERGO GENERAL
INSURANCE COMPANY LIMITED,
25/1, 2ND FLOOR, BUILDING NO.2,
SHANKARANARAYANA BUILDING,
M.G. ROAD,
BENGLURU - 560 001.

...RESPONDENTS

(BY SRI. H.S. LINGARAJU, ADVOCATE FOR R2;
VIDE ORDER DATED 01.06.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 07/02/2026
PASSED IN MVC NO.452/2022 ON THE FILE OF THE COURT OF
SENIOR CIVIL JUDGE AND MACT AT KADUR, 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

This appeal is filed by the claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 07.02.2026 passed in MVC No.452/2022



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by Senior Civil Judge and MACT, Kadur, Chikkamagaluru District.

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for 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 15.03.2022 contending that the accident occurred due to rash and negligent driving by the driver of Hyundai Creta Car bearing registration No.KA-14/Z-8822.

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:



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Sl. No.	Particulars	Amount
1.	Towards loss of future earnings	Rs. 4,74,300/-
2.	Towards medical bill and hospital charges	Rs. 12,365/-
3.	Loss of earnings during laid up period along with attendant charges	Rs. 22,748/-
4.	Towards Pain and suffering	Rs. 50,000/-
5.	Towards loss of amenities	Rs. 25,000/-
6.	Towards food and nourishment charges	Rs. 10,000/-
7.	Towards traveling expenses	5,000/-
	Total	Rs. 5,99,413/-

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 deposit the compensation awarded. 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 two fractures and simple injury. Considering the same, the compensation



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awarded towards pain and suffering and loss of amenities are on lower side. The claimant has been admitted in hospital for twenty two (22) days and therefore the compensation awarded towards attendant, nourishment, food etc., and loss of income during laid up period are also on lower side. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded under 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 and learned counsel for respondent No.2/insurer, the Court has perused the Judgment, Award and Trial Court records.

10. As per Ex.P8 - Wound Certificate, the claimant has sustained two fractures. Considering the said aspect, the compensation awarded towards pain and suffering in a



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sum of Rs.50,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.25,000/- requires to be enhanced to Rs.40,000/-. The claimant has been admitted in hospital for twenty two (22) days and therefore he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.22,000/- (Rs.1,000 X 22 days).

11. Considering that the claimant has sustained two fractures, he has to take rest atleast for three (03) months and therefore, he is entitled to loss of income during laid up period for three (03) months in a sum of Rs.46,500/- (Rs.15,500 X 3) as against Rs.22,748/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses and loss of future income.

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



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Sl. No.	Particulars	Amount
1.	Towards loss of future earnings	Rs. 4,74,300/-
2.	Towards medical bill and hospital charges	Rs. 12,365/-
3.	Loss of earnings during laid up period along with attendant charges	Rs. 46,500/-
4.	Towards Pain and suffering	Rs. 60,000/-
5.	Towards loss of amenities	Rs. 40,000/-
6.	Towards food, nourishment, attendant, conveyance charges etc.,	Rs. 22,000/-
	Total	Rs. 6,55,165/-

13. The claimant is entitled to total compensation of Rs.6,55,165/- as against Rs.5,99,413/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.55,752/- (Rs.6,55,165/- - Rs.5,99,413/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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



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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.55,752/- 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 claimant is entitled to release of entire enhanced compensation with interest.*

The Registry is directed to return the Trial Court records forthwith with copy of the judgment.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 24