



CNR: KAHC010318942026

NC: 2026:KHC:44010
MFA No. 3349 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. 3349 OF 2026

(MV-I)

BETWEEN:

MR. H K SATHISHA
S/O KALEGOWDA A
GED ABOUT 40 YEARS,
RESIDING AT NO.225,
HUKUNDA UYYAMBALLI POST,
UYYAMBALLI HOBLI, KANAKAPURA TALUK,
RAMANGAR DIST-562 119.

ALSO R/AT NO.10,
SUBHARAYANAPALYA VILLAGE,
THAVARAKERE VILLAGE AND POST,
BENGALURU SOUTH TALUK.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. M/S. BAJAJ ALLIANZ GEN. INSURANCE CO.LTD.,
BY ITS MANAGER, GOLDEN HEIGHTS,
4TH FLOOR, NO.1/2, 59TH 'C' CROSS,
4TH 'M' BLOCK, RAJAJINAGAR,
DR. RAJKUMAR ROAD, BENGALURU-560 010.
2. MR. VASUDEVAMURTHY.S,
S/O SATHYANARAYANA RAO,

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



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AGED ABOUT 35 YEARS,
RESIDING AT No.3061, 6TH FLOOR,
SUNSCAPE B-3, SOBHA HILLVIEW APARTMENT,
OFF KANAKAPURA ROAD, THALAGHATTAPURA,
BENGALURU-560 062.

...RESPONDENTS

(BY SMT. H S LINGARAJU, ADVOCATE FOR R1
V/O DTD. 02.06.2026, NOTICE TO R2 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:10.03.2026
PASSED IN MVC No.2345/2024 ON THE FILE OF THE XV
ADDITIONAL SMALL CAUSES JUDGE, XXIII ACJM, MACT,
BENGALURU SCCH-19, 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 appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 10.03.2026 passed in MVC No.2345/2024 by
the XV Additional Small Causes Judge and Member, MACT,
Bengaluru (SCCH-19).

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.1/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 07.03.2024 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-05/NC-5250. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000/-
02.	Medical expenses	74,440/-
03.	Transportation, nourishment, conveyance and attendant charges	25,500/-
04.	Compensation on account of permanent disability	4,15,800/-
05.	Towards future medical expenses	25,000/-
06.	Loss of income during laid up period	30,000/-
07.	Towards loss of amenities of life	30,000/-
	Total	6,60,740/-



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4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the respondent No.1/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.1/insurer.

6. Learned counsel for appellant would contend that the Tribunal has taken notional income at Rs.16,500/- p.m. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- p.m. and that is to be taken. The claimant has sustained several injuries as noted in the wound certificate and considering the same, compensation awarded for pain and suffering and loss of amenities requires to be enhanced. Considering the injuries sustained the claimant is entitled to loss of income during laid up period for three months. The claimant has been



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admitted in hospital for 17 days. PW.3- Doctor has stated that the claimant has to undergo surgery for removal of implant and estimated the cost at Rs.40,000/- and the Tribunal has awarded only Rs.25,000/- towards future medical expenses. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.1/insurer would contend that the Doctor who has assessed the disability is not a treated Doctor and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The date of accident is 07.03.2024 and as on the date of accident the claimant was aged 43 years. The Tribunal has rightly taken multiplier '14'. The Tribunal considering the evidence of PW.3 – Doctor has rightly taken the disability at 15%. The Tribunal has taken the notional income of Rs.16,500/- p.m. As per the chart



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prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- and the same has to be taken as against Rs.16,500/- taken by the Tribunal. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.17,000} \times 12 \times 14 \times 15\% = \text{Rs.4,28,400/-}$$

10. As per Ex.P5, wound certificate the claimant has sustained the following injuries:

- Closed bimalleolar fracture with 4th rib fracture left side
- Bone deep cut injury over scalp
- Renieto frontal rib
- Bone deep laceration right canonical ribs with deformity of ankle joint right side
- Longitudinal cut injury back

11. Considering the said injuries, the compensation awarded for pain and suffering in a sum of Rs.60,000/- requires to be enhanced to Rs.90,000/- and loss of amenities in a sum of Rs.30,000/- requires to be enhanced



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to Rs.45,000/-. Considering the injuries noted supra, the claimant has to take rest atleast for three months and therefore, he is entitled loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000 x 3 months) as against Rs.30,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses, attendant and conveyance charges. PW.3- Doctor has stated that the claimant has to undergo surgery for removal of implants and estimated the cost at Rs.40,000/- and the Tribunal has awarded Rs.25,000/-. Considering the evidence of PW.3 – Doctor the claimant is entitled to future medical expenses of Rs.40,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	90,000/-
02.	Loss of amenities	45,000/-
03.	Loss of income during laid up period	51,000/-
04.	Medical expenses	74,440/-
05.	Attendant and conveyance charges	25,500/-



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06.	Future medical expenses	40,000/-
07.	Loss of future income	4,28,400/-
	Total	7,54,340/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.7,54,340/- as against Rs.6,60,740/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.93,600/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

14. 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.93,600/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 43
Ct.sm