



CNR: KAHC010318972026

NC: 2026:KHC:45016
MFA No. 3348 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3348 OF 2026
(MV-I)

BETWEEN:

SRI. ABU SUFIYAN
S/O MD. RAFUL,
AGED ABOUT 26 YEARS,
RESIDING AT: BANGAWA, BISHUNPUR,
PURNIA,
BIHAR - 854 315.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. M/S UNITED INDIA INSURANCE CO. LTD.,
BY ITS MANAGER, REGIONAL OFFICE,
5TH AND 6TH FLOOR, KRISHI BHAVANA,
HUDSON CIRCLE,
BENGALURU - 560 002.

2. SRI. HARI HARA SUDHAN,
S/O S.P.SWAINATHAN,
AGED ABOUT 40 YEARS,
NO.6, ANANDA ARCADE,
A.V.ROAD, KALASIPALYA,
BENGALURU - 560 002.

...RESPONDENTS

(BY SMT. MALATHI T.N., ADVOCATE FOR R1;
VIDE ORDER DATED 25.06.2026, NOTICE TO R2 IS
DISPENSED WITH)

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



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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.02.2026 PASSED IN MVC NO.1773/2025 ON THE FILE OF THE XXI ADDITIONAL SCJ AND ACJM AND 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

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 02.02.2026 passed in MVC No.1773/2025 by XXI Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-23).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.1/insurer, the matter is taken up for disposal.



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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 13.02.2025 contending that the accident occurred due to rash and negligent driving by the driver of Bus bearing registration No.NL-01-B-2834.

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.	Attendant charges, extra nutritious food and conveyance charges	Rs. 3,600/-
2.	Pain and sufferings	Rs. 60,000/-
3.	Loss of income during laid-up period	Rs. 51,000/-
4.	Medical expenses	Rs. 1,65,000/-
5.	Loss of future income due to disability	Rs. 2,20,300/-
6.	Loss of future amenities and happiness	Rs. 50,000/-
7.	Future medical expenses	Rs. -Nil-
	Total	Rs. 5,49,900/-



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.1/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.1/insurer.

7. Learned counsel for the appellant would contend that, the claimant was aged twenty five (25) years, working as an operator of road cutting machine. Due to amputation of tip of left thumb, he could not carry out his avocation effectively. Considering the same, the said disability taken by the Tribunal is on lower side. The compensation awarded under other heads is also on lower side. The notional income fixed for the year 2025 is Rs.18,000/- as per the chart prepared by the Karnataka



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State Legal Services Authority and the same is to be taken as against Rs.17,000/- taken by the Tribunal. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.1/insurer would contend that, the amputation of tip of left thumb has been corrected and it will not affect his functioning as an operator of road cutting machine. Considering the said aspect, the Tribunal has rightly taken the disability at 6%. The compensation awarded under other heads is just and proper and there are no grounds for enhancement. With these, she prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.1/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 13.02.2025 and as on the date of accident, the claimant was aged twenty five (25) years. The occupation of the claimant is stated to be



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the operator of road cutting machine. The claimant has sustained the following injuries:

- a) *Contused abrasion 3 X 1 cms present over left shoulder.*
- b) *Abrasion 1 X 0.1 cms present over right knee*
- c) *Near total amputation of left thumb tip, x-ray shows fracture dislocation involving the distal phalanges of first digit.*

11. P.W.2 - Doctor who has examined the claimant, has assessed his disability and stated that the claimant has sustained 33% disability to the left hand and 11% disability to the whole body. The Tribunal has erred in taking the disability of the claimant at 6% to the whole body while assessing loss of future income. The evidence of P.W.2 - Doctor clearly indicates that there is a amputation of tip of left thumb. Considering the avocation of the claimant, the functional disability is to be taken at 8% as against 6% taken by the Tribunal.



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12. The notional income fixed for the year 2025 by the Karnataka State Legal Services Authority is Rs.18,000/- and the said income is to be taken as against Rs.17,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier '18'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.18,000/-} \times 12 \times 18 \times 8\% = \text{Rs.3,11,040/-}$$

13. Considering the injuries noted *supra*, the compensation awarded towards pain and sufferings and loss of amenities are just and proper. The claimant has been admitted in hospital for three (03) days and the compensation awarded towards attendant and conveyance charges etc., in a sum of Rs.3,600/- is also just and proper.

14. The Tribunal has awarded loss of income during laid up period for three (03) months. Now as the income taken at Rs.18,000/-, the claimant is entitled to loss of



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income during laid up period in a sum of Rs.54,000/-
(Rs.18,000/- x 03 months).

15. The Tribunal has rightly awarded medical expenses.

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

Sl. No.	Particulars	Amount
1.	Attendant charges, extra nutritious food and conveyance charges	Rs. 3,600/-
2.	Pain and sufferings	Rs. 60,000/-
3.	Loss of income during laid-up period	Rs. 54,000/-
4.	Medical expenses	Rs. 1,65,000/-
5.	Loss of future income	Rs. 3,11,040/-
6.	Loss of amenities	Rs. 50,000/-
	Total	Rs. 6,43,640/-

17. The claimant is entitled to total compensation of Rs.6,43,640/- as against Rs.5,49,900/- awarded by the Tribunal with interest.



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18. Consequently, the claimant is entitled to enhanced compensation of Rs.93,740/- (Rs.6,43,640/- - Rs.5,49,900/-) with interest at the rate of 6% per annum from the date of petition till realisation.

19. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

20. 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.93,740/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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*iv) The appellant/claimant is entitled to release
of entire enhanced compensation with
interest.*

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

KLV
List No.: 1 Sl No.: 3