



CNR: KAHC010319112026

NC: 2026:KHC:43084
MFA No. 3363 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3363 OF 2026

(MV-I)

BETWEEN:

SRI MALLAIAH B E
S/O LATE ERAIAH
AGED ABOUT 60 YEARS
AGRICULTURIST
R/AT BIGGADEVANAHALLI VILLAGE
AMBLE HOBLI
CHIKKAMAGALURU TALUK
CHIKKAMAGALURU DISTRICT.
PIN CODE-577 101.

...APPELLANT

(BY SRI. VENKATE GOWDA K, ADVOCATE)

AND:

1. SRI SUHAS K S
S/O SRI SUNIL KUMAR.K
AGED ABOUT 24 YEARS
WORK AT LIFE TENDER CHICKEN
CHIKKAMANGALURU
R/AT ADIBHOOTAPPA TEMPLE ROAD
2ND CROSS, VIJAYAPURA,
CHIKKAMAGALURU TOWN-577 101.
2. THE MANAGER,
MR. SUNAY DS TP

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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CLAIM-LEGAL DEPARTMENT,
BJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.,
No.1335/1, 1ST FLOOR, C AND D BLOCK
PANCHAMANATRA ROAD, KUVEMPUNAGAR
MYSURU-570 023.

...RESPONDENTS

(BY SRI JAGADISH, ADVOCATE FOR R2
V/O DTD. 02.06.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:27/11/2025
PASSED IN MVC No.514/2023 ON THE FILE OF THE COURT OF
PRINCIPAL. SENIOR CIVIL JUDGE AND CJM.,
CHIKKAMAGALURU., 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 claimants seeking
enhancement of compensation awarded in the judgment
and award dated 27.11.2025 passed in MVC No. 514/2023
by the Principal Senior Civil Judge and MACT,
Chikkamagaluru.



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2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

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 09.01.2023 due to the rash and negligent driving by the driver of car bearing registration No. KA-02-P-2749. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain, shock and sufferings	Rs.30,000.00
2	Loss of amenities	Rs.25,000.00
3	Loss of income during laid up period	Rs.48,000.00
4	Attendant's charges, Extra diet and conveyance	Rs.30,000.00
5	Medical expenses	Rs.58,000.00
6	Loss of future income	Rs.1,38,240.00
	Total	Rs.3,29,240.00



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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 amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Head learned counsel for appellant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant would contend that claimant is an agriculturist and he had sustained CLW on the lower part of right leg 9 X 3 X 4 cm with swelling with deformity and type I open fracture of distal 1/3 shaft of right tibia and fibula. P.W.2 – Doctor has assessed the disability at 28% to the right lower limb and the Tribunal has erred in taking the disability at 8%. P.W.2 – Doctor has also stated that there is mal union of the fractures. Claimant was admitted in the hospital for 8 days. Considering the same compensation awarded for `pain



and suffering' and 'loss of amenities' are on lower side. P.W.2 – Doctor has stated that the claimant has to undergo surgery for removal of implant but, the Tribunal has not awarded anything 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 under all heads is just and proper and there are no grounds for enhancement of the compensation.

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

9. P.W.2 – Doctor has assessed the disability and stated that the claimant has sustained 28% disability to the right lower limb. The Tribunal has taken the disability at 8%. As the disability is stated to lower limb, $1/3^{\text{rd}}$ of the same is to be taken to the whole body. Therefore, disability is to be taken at 10% as against 8% taken by the Tribunal. The Tribunal has rightly applied the multiplier



of 9 as the injured was aged 58 years. in view of the above, loss of future income is calculated as under:

$$16000 \times 12 \times 9 \times 10\% = \text{Rs.}1,72,800/-$$

10. Considering the injuries sustained by the claimant as noted supra compensation awarded for 'pain and suffering' in a sum of Rs.30,000/- 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/-. Compensation awarded by the Tribunal towards 'loss of income during laid up period', 'attendant charges, extra diet and conveyance' is just and proper.

11. P.W.2 – Doctor has stated that claimant has to undergo operation for removal of implant. The Tribunal has not awarded anything towards 'future medical expenses'. Considering the evidence of P.W.2 – Doctor claimant is entitled to Rs.30,000/- towards 'future medical expenses'.



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

1	Loss of future income	Rs.1,72,800.00
	Pain and sufferings	Rs.60,000.00
	Loss of amenities	Rs.40,000.00
	Loss of income during laid up period	Rs.48,000.00
2	Food, attendant and conveyance charges	Rs.30,000.00
3	Medical expenses	Rs.58,000.00
4	Future medical expenses	Rs.30,000.00
	Total	Rs.4,38,800.00

13. In view of the above, claimant is entitled to total compensation of Rs.4,38,800/- as against Rs.3,29,240/- awarded by the Tribunal with interest. Consequently claimant is entitled to enhanced compensation of Rs.1,09,560/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No.2 – Insurer is liable to pay the enhanced compensation.



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14. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,09,560/- with interest at the rate 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.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 34
Ct.sm