



CNR: KAHC010320432026

NC: 2026:KHC:44425  
MFA No. 3392 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 3392 OF 2026**

**(MV-I)**

**BETWEEN:**

SRI CHIRANJEEVI.B.T.,  
S/O THIMMEGOWDA,  
AGED ABOUT 32 YEARS,  
RESIDING AT BEVINAHALLI VILLAGE,  
KOTHATHI HOBLI,  
MANDYA TALUK, MANDYA DISTRICT-571 401.

...APPELLANT

(BY SRI. RAJA L, ADVOCATE)

**AND:**

1. SRI N.RAMALINGEGOWDA,  
S/O NANJUNDEGOWDA,  
AGED ABOUT 70 YEARS,  
R/O A HULLUKERE VILLAGE, KOTHATHI HOBLI,  
MANDYA TALUK, MANDYA DISTRICT-571 401.
2. THE MANAGER  
CHOLAMANDALAM GENERAL  
INSURANCE COMPANY LTD., NO.230,  
5<sup>TH</sup> CROSS, 12<sup>TH</sup> MAIN,  
SARASWATHIPURAM, MYSURU-570 001.

...RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR R2  
V/O DTD 2.6.2026, NOTICE TO R1 IS D/W)

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 DT. 31.01.2026 PASSED IN MVC NO. 1537/2023 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MACT, MANDYA, 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**

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 31.01.2026 passed in MVC No. 1537/2023 by the I Additional Senior Civil Judge and MACT, Mandya.

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.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained



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by him in a road traffic accident that occurred on 25.07.2023 due to the rash and negligent driving by the driver of tractor bearing registration No. KA-11-TA-4164. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

|   |                                                |                       |
|---|------------------------------------------------|-----------------------|
| 1 | Pain and sufferings                            | Rs.50,000/-           |
| 2 | Loss of amenities                              | Rs.50,000/-           |
| 3 | Future loss of income on account of disability | Rs.32,64,000/-        |
| 4 | Loss of income during laid up period           | Rs.48,000/-           |
| 5 | Medical expenditure                            | Rs.1,36,565/-         |
| 6 | Diet and Transportaion expenditure             | Rs.6,000/-            |
|   | <b>Total</b>                                   | <b>Rs.35,54,565/-</b> |

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. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant would contend that the Tribunal has taken the notional income at Rs.16,000/- per month but as per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2023 is Rs.16,250/- and that income is to be taken. The Tribunal has taken the disability at 100%, but, has not taken future prospects. Future prospects is to be taken at 40% as the claimant was aged 28 years as on the date of accident. He further contends that the compensation awarded by the Tribunal towards 'pain and suffering', 'loss of amenities' and 'attendant and conveyance charges' is on lower side. The Commissioner who recorded the evidence of claimant at his residence has given report that the claimant is bedridden and to get up from the bed he needs assistance of another person and considering the same, claimant is entitled to attendant charges throughout his life in a sum



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of Rs.500/- per day. 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.

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

9. Claimant had sustained the following injuries as per Ex.C.6 - wound certificate;

- i. Abrasion 1 X 1 cm over lower lip of mouth
- ii. Pain and tenderness over lower back and painful and restrained movement of both lower limbs
- iii. Tenderness over both sides chest
- iv. Tenderness over whole abdomen

10. Doctor has been examined as C.W.2 and he has sated that claimant is having 90% disability and the



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Tribunal has rightly taken the functional disability at 100%. Injuries sustained by the claimant is to the spinal cord and he is bed ridden. Considering the said aspect compensation awarded by the Tribunal towards 'pain and suffering' in a sum of Rs.50,000/- is enhanced to Rs.2,00,000/- and 'loss of amenities' in a sum of Rs.50,000/- is enhanced to Rs.1,50,000/-.

11. The Tribunal has taken the notional income of the claimant 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 the said income is to be taken. The Tribunal has rightly applied the multiplier of 17. Since the disability is taken at 100% claimant is entitled to future prospects at 40%. In view of the above, loss of future income is calculated as under:

$$16,250 + 6,500 (40\%) = 22,750$$

$$22,750 \times 12 \times 17 \times 100\% = \text{Rs.}46,41,000/-$$



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12. As disability is taken at 100%, claimant is not entitled to compensation towards loss of income during laid up period as awarded by the Tribunal in a sum of Rs.48,000/-.

13. Claimant was admitted in the hospital for 16 days and therefore, he is entitled to attendant, food and conveyance charges in a sum of Rs.16,000/- (Rs.1,000 X 16 days) as against Rs.6,000/- awarded by the Tribunal.

14. Claimant has sustained injuries to the spinal cord and he is bedridden. He requires assistance of attendant/care taker through out his life. Considering the age of the claimant, i.e., 28 years, he is entitled to attendant/care taker charges globally in a sum of Rs.5,00,000/-.

15. The Tribunal has rightly awarded medical expenses.



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

|   |                                                |                       |
|---|------------------------------------------------|-----------------------|
| 1 | Pain and sufferings                            | Rs.2,00,000/-         |
| 2 | Loss of amenities                              | Rs.1,50,000/-         |
| 3 | Future loss of income on account of disability | Rs.46,41,000/-        |
| 4 | Medical expenditure                            | Rs.1,36,565/-         |
| 5 | Diet and Transportation expenditure            | Rs.16,000/-           |
| 6 | Attendant/care taker charges                   | Rs.5,00,000/-         |
|   | <b>Total</b>                                   | <b>Rs.56,43,565/-</b> |

17. Considering the above aspects claimant is entitled to total compensation of Rs.56,43,565/- as against Rs.35,54,565/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.20,89,000/-. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

18. Since the claimant is bedridden, entire enhanced compensation is to be kept in Fixed Deposit in his name for a period of 15 years. Interest earned on that



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deposit is to be credited to the SB Account of the claimant and claimant should be permitted to utilize the said amount for his medical treatment, attendant/care taker charges etc.

19. In view of the above, the following;

**ORDER**

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.20,89,000/- 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) Enhanced compensation shall be kept in Fixed Deposit in a nationalized Bank for a period of 15 years in the name of claimant.
- e) Interest earned on that deposit is ordered to be credited to the SB Account of the claimant and



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claimant is permitted to utilize the said amount for his medical treatment, attendant/care taker charges etc.

f) Claimant is not entitled to interest on the attendant/care taker charges of Rs.5,00,000/- awarded by this Court.

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

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