



CNR: KAHC010344692025

NC: 2026:KHC:43829
MFA No. 3765 of 2025

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. 3765 OF 2025

(MV-I)

BETWEEN:

1. MAHALINGESHWARA
S/O SANNAMEADIAH,
AGED ABOUT 40 YEARS,
R/AT VEERADEVANAPURA VILLAGE,
NANJANGUD TALUK,
MYSURU DISTRICT-570015.

...APPELLANT

(BY SRI. SREENIVASAN M Y.,ADVOCATE)

AND:

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

1. JAYANTHI L
W/O SHIVARAMAKRISHNAN,
R/AT NO.311,
CHANDRAPPA VATTARA,
R P ROAD,
NANJANGUD TOWN,
NANJANGUD TALUK,
MYSURU-571301.
2. SOWBHAGYA C
MAJOR,
R/AT NO.405,
IST MAIN,



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3RD CROSS,
KAVIKA LAYOUT,
DEEPANJALI NAGARA,
MYSURU ROAD,
BENGALURU-560026.

3. THE BRANCH MANAGER
TATA AIG GENERAL
INSURANCE CO LTD., 1ST FLOOR,
SUNNY CENTRE No.374,
NEW KALIDASA ROAD,
VIJAY NAGAR 1ST STAGE,
MYSURU-570017.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N A, ADVOCATE FOR SRI
JANARDHAN REDDY, ADVOCATE FOR R3,
V/O DTD:13.06.2026, NOTICE TO R1 & R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DT.22.01.2025 PASSED
IN MVC NO.194/2023 ON THE FILE OF THE COURT OF
ADDITIONAL SMALL CAUSES AND SENIOR CIVIL JUDGE, MACT,
MYSURU, 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 judgment and



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award dated 22.01.2025 passed in MVC No.194/2023 by the Additional Court of Small Causes and MACT, Mysuru.

2. Even though the appeal is listed today for admission, it is take-up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.3/Insurer.

3. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 30.09.2018, contending that the accident occurred due to the rash and negligent driving of driver of Shift car bearing Regn. No.KA-02- MJ-6112. The Tribunal, after recording the evidence and appreciating the evidence, has assessed the compensation and awarded compensation under various heads as under:

Sl. No.	Heads	Amount in Rs.
1	Loss of earnings/future earnings on account of disability	Rs.1,12,500.00



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2	Loss of earnings during treatment (laid up period)	Rs. 12,500.00
3	Damages for pain, suffering and trauma as a consequence of the injuries	Rs. 50,000.00
4	Loss of amenities	Rs. 50,000.00
5	Transportation, nourishment, attendant and miscellaneous expenditure	Rs. 25,000.00
6	Expenses relating to treatment hospitalization and medication	Rs. 26,000.00
	Total	Rs.2,76,000.00

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.3/Insurer to deposit the award amount with interest. The appellant/claimant seeking enhancement of compensation awarded by the Tribunal has filed the present appeal.

5. Heard learned counsel for appellant and learned counsel for respondent No.3/Insurer.



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6. Learned counsel for appellant would contend that the appellant/claimant has sustained five injuries and out of them, there is a ligament tear and considering the same PW2/doctor has assessed his disability and stated that the claimant is having 27% disability to lower limb and the Tribunal has erred in taking the functional disability at 5%. The disability has to be taken at one third of that particular limb disability. The Tribunal has rightly taken the notional income at Rs.12,500/- p.m. and applied multiplier 15. Considering the injuries sustained by the claimant, the claimant has to take rest for three months and Tribunal has awarded the loss of income during laid up period for one month. The compensation awarded under other heads is just and proper. With this, he prayed to allow the appeal.

7. The learned counsel for respondent No.3/Insurer would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.



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

9. The claimant has sustained the following injuries as per Ex.P7/wound certificate and Ex.P9/discharge card:

- (a) Head injury.
- (b) Pain in the right knee with restricted movement.
- (c) Pain and tenderness in the right lower limb.
- (d) Interstitial tear of anterior cruciate ligament.
- (e) Grade I of PCL in the femoral attachment.

10. PW2 is the doctor, who has examined the claimant and assessed the disability and stated that the claimant is having 24% of disability of right lower limb. The Tribunal has taken the functional disability at 5%. Considering the disability to the whole body, it is to be taken as one third of disability to that particular limb. Therefore the disability is to be taken as 9% to the whole body as against 5% taken by the Tribunal. The Tribunal



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has rightly applied multiplier 15 and taken notional income at Rs.12,500/- p.m.

11. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.12,500/-} \times 12 \times 15 \times 9\% = \text{Rs.2,02,500/-}$$

12. Considering the injuries noted supra and the fact that the claimant has sustained ligament tear, he has to take rest at least for three months, and therefore, entitled to loss of income during laid up period for three months in a sum of Rs.37,500/- (Rs.12,500/- x 3 months) as against Rs.12,500/- awarded by the Tribunal. The compensation awarded by the Tribunal under other heads are just and proper.

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

Sl.No.	Heads	Amount in Rs.
1	Loss of future income	2,02,500.00



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2	Loss of income during laid up period	37,500.00
3	Pain and suffering	50,000.00
4	Loss of amenities	50,000.00
5	Attendant and conveyance charges	25,000.00
6	Medical expenses	26,000.00
	Total	3,91,000.00

14. The claimant is entitled to total compensation of Rs.3,91,000/- as against Rs.2,76,000/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,15,000/- with interest at the rate of 6% per annum from the date of petition till realization.

15. The respondent No.3/Insurer is liable to pay the said enhanced compensation with interest.

16. In view of the above, the following:

ORDER

i) The appeal is allowed in part.



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ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,15,000/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The respondent No.3/Insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

iv) The claimant is entitled to the release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 29