



CNR: KAHC010348492025

NC: 2026:KHC:47554
MFA No. 3924 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3924 OF 2025

(MV-I)

BETWEEN:

NARAYANASWAMY
S/O. APPAYAPPA
AGED ABOUT 45 YEARS
R/AT. JANGAMAHOSAHALLI VILLAGE
MULBAGAL TALUK
KOLAR DISTRICT.

...APPELLANT

(BY SRI RAJAT G SIDDAPURAMTH, ADVOCATE FOR
SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

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

1. KOMITLA SATHYANARAYANA REDDY
S/O. ADIREDDY
AGED ABOUT 77 YEARS
R/AT. 25-9-538
4TH CROSS ROAD
BANK COLONY STAGE
AK NAGAR, NELLUR CITY
SPSR NELLUR DISTRICT
ANDHRA PRADESH.
2. UNITED INDIA INSURANCE COMPANY LIMITED
No.24/3985-2
ARYA TOWERS, GNT ROAD
OPP. BOLLINENI HOSPITAL



CNR: KAHC010348492025

NC: 2026:KHC:47554
MFA No. 3924 of 2025

DARGAMITTA, NELLURU- 524 004.
ANDHRA PRADESH
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2
R1 SERVED BUT UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:08.01.2025 PASSED IN MVC No.58/2023 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND MEMBER, MACT, KOLAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING 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 08.01.2025 passed in MVC No.58/2023 by I Additional District and Sessions Judge and MACT, Kolar.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2. In spite of service of notice, respondent No.1 remained absent and unrepresented.



3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 05.01.2020 contending that the accident occurred due to rash and negligent driving of the driver of private bus bearing registration No.KA-05/E-0542. 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.	Towards Pain and agony	50,000/-
02.	Towards Loss of amenities	25,000/-
03.	Towards Medical expenses and future medical expenses	66,250/-
04.	Towards Incidental charges	25,000/-
05.	Towards Loss of income during laid up period	5,000/-
Total		1,71,250/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization. The Tribunal has held that cheque issued towards payment of claim has been dishonoured. Therefore, there is no insurance policy and held that respondent No.1 –owner of



vehicle is liable to pay compensation. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 -insurer.

6. Learned counsel for appellant would contend that the claimant has sustained severe head injury, fracture of left occipital region and multiple injuries all over the body. The compensation awarded towards pain and suffering and loss of amenities are on lower side. The claimant was agriculturalist and considering the injuries sustained, he has to take rest for 03 months. The compensation awarded towards loss of income during laid up period is on lower side. With this, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 -insurer would contend that the Tribunal has held that the insurer is not liable to pay the compensation and owner of the



vehicle is liable to pay the compensation. The said finding of the Tribunal has not been challenged by the appellant.

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

9. The accident occurred on 05.01.2020 and as on the date of accident, the claimant was aged 43 years. The claimant has sustained severe head injury, fracture of left occipital region and multiple injuries all over the body. Considering the said injuries sustained, compensation awarded towards pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.75,000/- and loss of amenities in a sum of Rs.25,000/- requires to be enhanced to Rs.40,000/-. The claimant has been admitted in the hospital for 15 days. Considering the injury sustained by the claimant i.e., head injury and that his avocation is agriculture, he has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period for 03 months in a sum of



CNR: KAHC010348492025

NC: 2026:KHC:47554
MFA No. 3924 of 2025

Rs.43,500/- (Rs.14,500/- x3) as against Rs.5,000/- as awarded by the Tribunal.

10. 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	75,000/-
02.	Loss of amenities	40,000/-
03.	Medical expenses	66,250/-
04.	Incidental charges	25,000/-
05.	Loss of income during laid up period	43,500/-
Total		2,49,750/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.2,49,750/- as against Rs.1,71,250/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.78,500/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 -owner of the vehicle is liable to pay the said enhanced compensation with interest.



CNR: KAHC010348492025

NC: 2026:KHC:47554
MFA No. 3924 of 2025

11. 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.78,500/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.1 -owner of the vehicle shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 7
Ct.sm