



CNR: KAHC010350652026

NC: 2026:KHC:48764
MFA No. 3616 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3616 OF 2026

(MV-I)

BETWEEN:

SRI NARAYANA REDDY
S/O NARASA REDDY
NOW AGED ABOUT 62 YEARS
No. 57, KADADUR
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT
PIN-561 206.

...APPELLANT

(BY SRI GIRI MALLAIAH, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE NEW INDIA ASSURANCE COMPANY LTD.,
T.P. HUB, MAHALAKSHMI CHAMBERS
No.9/2, 2ND FLOOR, M.G.ROAD
BENGALURU-560 001.
BY ITS MANAGER.
2. MR. K. NARENDRA KUMAR
S/O K.P. ANJINEYALU
MAJOR
(AGE OF R-2 NOT KNOWN TO APPELLANT)
No.27, 2ND CROSS, N.A.T. STREET



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BASAVANAGUDI
BENGALURU-560 004.

...RESPONDENTS

(BY SRI A R LAKSHMI NARAYANA, ADVOCATE FOR R1
V/O DTD. 08.06.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:3.02.2026 PASSED IN MVC No. 9228/2024 ON THE FILE OF THE XII ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-24), 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 appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 03.02.2026 passed in MVC No.9228/2024 by the XXII Additional Judge, Court of Small Causes, Member, MACT, Bengaluru, (SCCH-24).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.1/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 16.11.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-05-MT-9327. 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 suffering	80,000/-
02.	Medical expenses	7,32,277/-
03.	Towards loss of income during laid up period	66,000/-
04.	Towards conveyance, attendant charges and nourishing food	50,000/-
05.	Loss of future income	2,67,300/-
06.	Discomfort and amenities	50,000/-
	Total	12,45,577/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed



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respondent No.1/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.1/insurer.

6. The accident occurred on 16.11.2024. Ex.P12 is the Aadhar card of the claimant wherein his date of birth is 01.01.1964. Considering the date of birth, the age of the claimant is 60 years 10 months 16 days. The multiplier applicable is '9'.

7. The claimant has sustained four fractures including head injury which are noted in Ex.P7 – CT scan report. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.80,000/- is enhanced to Rs.1,20,000/- and loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.90,000/-.



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8. PW.3 is the Doctor who has examined the claimant and assessed his disability. PW.3 has stated that the claimant is having 20% neuro disability. There is fracture of left parieto occipital and sub occipital craniotomy and other three fractures. The claimant has sustained head injury. The claimant is aged 60 years and his avocation is agriculture. Considering the said evidence and the avocation of the claimant, the functional disability is to be taken at 20% as against 15% taken by the Tribunal.

9. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- p.m. and the same is to be taken as against Rs.16,500/- taken by the Tribunal. As the claimant has crossed 60 years age, he is not entitled to future prospects even though disability is 20%. In view of the same, loss of future income is calculated as under:

$$\text{Rs.17,000} \times 12 \times 9 \times 20\% = 3,67,200/-$$



10. The Tribunal has awarded loss of income during laid up period for four months. As now the income taken is Rs.17,000/-p.m., the claimant is entitled to loss of income during laid up period in a sum of Rs.68,000/- (Rs.17,000 x 4 months). The claimant was admitted in the hospital for 23 days and therefore, entitled to attendant and conveyance charges in a sum of Rs.23,000/- (Rs.1000 x 23 days) as against Rs.50,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses based on documents.

11. 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	1,20,000/-
02.	Loss of amenities	90,000/-
03.	Loss of income during laid up period	68,000/-
04.	Attendant and conveyance charges	23,000/-
05.	Medical expenses	7,32,277/-
06.	Loss of future income	3,67,200/-
	Total	14,00,477/-



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12. Considering the above aspects, the claimant is entitled to total compensation of Rs.14,00,477/- as against Rs.12,45,577/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,54,900/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

13. 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.1,54,900/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) Appellant/claimant is entitled to release of entire enhanced compensation.
- v) Registry is directed to send back the trial Court records.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 3
Ct.sm