



CNR: KAHC010368672026

NC: 2026:KHC:39526
MFA No. 4011 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4011 OF 2026 (MV-I)

BETWEEN:

SRI. ZUBER,
S/O. LATE TIPPU,
NOW AGED ABOUT 25 YEARS,
R/AT: 7TH CROSS, INDIRA COLONY,
BEHIND JAYALAKSHMI THEATOR,
GUTHAL COLONY,
MANDYA TOWN AND DISTRICT - 571 403.

...APPELLANT

(BY SRI. B. CHANDRASHEKHARAIHAH, ADVOCATE)

AND:

1. SRI. MANJUNATHA S.
S/O. SAMBHULINGAPPA,
MAJOR
(AGED OF R-1 NOT KNOWN TO APPELLANT),
R/O: THORUGONIGADDA VILLAGE,
BAHADURGHATTA,
CHITRADURGA DISTRICT - 577 519.
2. KOTAK MAHINDRA GENERAL
INSURANCE COMPANY LTD.,
1ST FLOOR, SHUBHASRI PRIDE,
DOOR NO.14, SOUTH END ROAD,
BEHIND BHARATHI NURSING HOME,
JAYANAGAR,
BENGALURU - 560 082.
BY ITS MANAGER.



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...RESPONDENTS

(BY SRI. B.C. SHIVANNEGOWDA, ADVOCATE FOR R2;
VIDE ORDER DATED 16.06.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 23/04/2025
PASSED IN MVC NO.5131/2023 ON THE FILE OF THE XXI
ADDITIONAL SMALL CAUSE JUDGE AND MOTOR ACCIDENT
CLAIMS TRIBUNAL, BANGALORE (SCCH-23), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON ORDERS, 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 the Judgment
and Award dated 23.04.2025 passed in MVC
No.5131/2023 by XXI Additional Small Cause Judge and
Member, MACT, Bengaluru (SCCH-23).

2. Even though the matter is listed today for
admission, with the consent of both the learned counsel
for appellant and learned counsel for respondent
No.2/insurer, the matter is taken up for disposal.



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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident which took place on 17.08.2021 contending that the accident occurred due to rash and negligent driving by the driver of Mini goods vehicle bearing registration No.KA-16-D-8182.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain & sufferings	Rs. 40,000/-
2.	Loss of income during laid-up period	Rs. 45,000/-
3.	Medical expenses	11,800/-
4.	Loss of future income due to disability	Rs. 1,29,600/-
5.	Loss of future amenities & happiness	Rs. 40,000/-
6.	Future medical and other incidental expenses	Rs. - Nil -
	Total	Rs. 2,66,400/-



5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the claimant has sustained left humerus and P.W.2 - Doctor has examined him and assessed his disability and stated that the disability of 23% of left upper limb and 8% disability to the whole body and the Tribunal erred in taking the disability at 4%. The claimant is a labour and he has to lift heavy articles and considering the same, the disability taken by the Tribunal is on lower side. He further submits that, the compensation awarded by the Tribunal under other heads is just and proper. He also



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submits that, the Tribunal has rightly taken the notional income at Rs.15,000/- and applied multiplier '18'. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, P.W.2 - Doctor who assessed the disability is not a treated Doctor and the claimant has taken conservative treatment and he has not undergone any surgery. P.W.2 - Doctor has admitted that elbow and wrist movements are normal and wounds are healed. Considering the said aspect, the Tribunal has rightly taken the functional disability at 4% and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.



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10. The claimant has sustained left closed proximal humerus fracture. P.W.2 - Doctor has examined the claimant and assessed his disability and stated that the claimant is having 23% disability of left upper limb and 8% to the whole body. The Tribunal has taken functional disability at 4%. Considering the age of the claimant as twenty two (22) years and his avocation is labour/coolie, the said disability taken by the Tribunal is on lower side and the disability is to be taken at 8% to the whole body. The Tribunal has rightly taken the notional income at Rs.15,000/- and applied multiplier '18'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 18 \times 8\% = \text{Rs.2,59,200/-}$$

11. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:



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Sl. No.	Particulars	Amount
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2.	Loss of income during laid-up period	Rs. 45,000/-
3.	Medical expenses	11,800/-
4.	Loss of future income due to disability	Rs. 2,59,200/-
5.	Loss of future amenities & happiness	Rs. 40,000/-
6.	Future medical and other incidental expenses	Rs. - Nil -
	Total	Rs. 3,96,000/-

12. The claimant is entitled to total compensation of Rs.3,96,000/- as against Rs.2,66,400/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

13. Consequently, the claimant is entitled to enhanced compensation of Rs.1,29,600/- (Rs.3,96,000/- - Rs.2,66,400/-) with interest at the rate of 6% per annum from the date of petition till realisation.



14. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest. The claimant is not entitled to interest for the delay period of 316 days in filing the appeal as per order dated 28.07.2026.

15. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.1,29,600/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount 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 with interest.*



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- v) *The appellant/claimant is not entitled to interest for the delay period of 316 days in filing the appeal.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 SI No.: 28