



CNR: KAHC010369172026

NC: 2026:KHC:56074
MFA No. 4000 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4000 OF 2026 (MV-I)

BETWEEN:

CHETHAN S @ CHATAAN,
S/O P.S.R. SATHISH REDDY,
NOW AGED ABOUT 31 YEARS,
RESIDING AT NO.384/385/386,
18TH 'E' MAIN ROAD,
6TH BLOCK, KORAMANGALA,
BENGALURU – 560 095.

...APPELLANT

(BY SRI. GOPAL KRISHNA N., ADVOCATE;
SMT. SUSHMITHA G., ADVOCATE)

AND:

1. MURUGAN T.,
MAJOR IN AGE,
RESIDING AT NO.2043,
23RD MAIN, 13TH CROSS,
1ST SECTOR, H.S.R.LAYOUT,
BENGALURU – 560 102.
2. THE NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
NO.9/2, MAHALAKSHMI CHAMBERS,
M.G.ROAD, BENGALURU - 560 001.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI. MALLIKARJUN REDDY N.A., ADVOCATE;
SRI. A.M. VENKATESH FOR R2;
V/O. DT 17/06/2026, NOTICE TO R1 D/W)

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JUDGE, HIGH COURT OF KARNATAKA





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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 10/07/2024 PASSED IN MVC NO. 4431/2021 ON THE FILE OF THE VI ADDL. JUDGE, COURT OF SMALL CAUSES AND ADDL. CHIEF METROPOLITAN MAGISTRATE AND MACT, BENGALURU., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC.,

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 10.07.2024 passed in MVC No.4431/2021 by the VI Additional Judge, Court of Small Causes and Additional Chief Metropolitan Magistrate and MACT, Bengaluru (SCCH-2).

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 –insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a

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road traffic accident occurred on 22.05.2017 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing registration No.KA-03/ML-6781. 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	30,000/-
02.	Towards Medical Expenses	1,23,647/-
03.	Towards Food, nourishment and attendant charges	8,000/-
04.	Towards loss of future amenities and happiness	15,000/-
05.	Towards loss of future income	3,56,400/-
06	Towards loss of income during the laid up period	22,000/-
Total		5,55,047/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking

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enhancement of compensation has filed the present appeal.

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

6. The accident occurred on 22.05.2017 and as on the date of accident the claimant was aged 23 years. Considering the said age of the claimant, the Tribunal has rightly taken multiplier '18' and considering the year of the accident, the Tribunal has rightly taken the notional income at Rs.11,000/-.

7. The claimant has sustained the following injuries:

- i) Right ear bleeding 2 degree to right Parieto –Temperal bone
- ii) Subarochnoid hemorrhage and subdural hemorrhage

Considering the said injuries sustained by the claimant, the compensation awarded towards pain and



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suffering in a sum of Rs.30,000/- is enhanced to Rs.60,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.40,000/-. The claimant has been admitted in the hospital for 08 days and considering the same, the compensation awarded towards attendant, conveyance charges, food and nourishment etc., in a sum of Rs.8,000/- by the Tribunal is proper. Based on the documents produced, The Tribunal has rightly awarded medical expenses of Rs.1,23,647/-. Considering the said injuries sustained, the claimant has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period in a sum Rs.33,000/- (Rs.11,000/- x 03 months) as against Rs.22,000/- awarded by the Tribunal.

8. P.W.3 is doctor is a neurosurgeon and he has assessed the disability at 41% to the whole body and the Tribunal has taken disability at 15%. P.W.3 doctor has assessed disability based on Ex.P23 - Neuro Behavioral and Cognitive Assessment Report issued by Dr.Pratiba

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Sharan. The said Dr. Pratiba Sharan, author of Ex.P23, is not examined. P.W.1 - claimant -injured himself has given evidence and faced cross-examination. Considering the injuries sustained and avocation of the claimant i.e., business, functional disability is to be taken at 20%. Since disability taken is 20%, the claimant is entitled for future prospects at 40%. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.11,000/-} \times 12 \times 18 \times 20\% + 40\% = \text{Rs.6,65,280/-}.$$

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	60,000/-
02.	Towards Medical Expenses	1,23,647/-
03.	Towards Food, nourishment and attendant charges	8,000/-
04.	Towards loss of future amenities and happiness	40,000/-
05.	Towards loss of future income	6,65,280/-
06	Towards loss of income during the laid up period	33,000/-
Total		9,29,927/-

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The claimant is entitled to total compensation of Rs.9,29,927/- as against Rs.5,55,047/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,74,880/- with interest at the rate of 6% per annum from the date of petition till realization. The appellant –claimant is not entitled to interest for delay period of 586 days in filing the appeal as per order dated 07.10.2026 passed on IA No.1/2026. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant is entitled to enhanced compensation of Rs.3,74,880/- with interest at the rate of 6% per annum from the date of petition till realization.

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- iii) The appellant –claimant is not entitled interest for delay period of 586 days in filing the appeal
- iv) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) The appellant claimant is entitled to release of 50% of the enhanced compensation and the remaining 50% shall be kept in fixed deposit in the name of claimant in Karnataka Bank, City Civil Court Branch, Bengaluru for a period of 03 years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 30
CT:ABS