



CNR: KAHC010372732026

NC: 2026:KHC:47698
MFA No. 3936 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3936 OF 2026

(MV-I)

BETWEEN:

SRI MOHAMMED ASIF
S/O FAIZULLA
NOW AGED ABOUT 30 YEARS
RESIDING AT:
KOTTAGERE VILLAGE AND HOBLI
KUNIGAL TALUK
TUMAKUR DISTRICT-572 130.

...APPELLANT

(BY SRI B CHANDRASHEKHARAIHAH, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. M/S ARUNACHALA LOGISTICS PVT., LTD.,
R/O No.101/5, 101/8
H. ALADHAHALLI VILLAGE
SHANTHI GRAMA
HASSAN TALUK AND DISTRICT
PIN -573 201.
2. THE NEW INDIA ASSURANCE
COMPANY LTD.,
MAHALAKSHMI CHAMBERS



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2ND FLOOR, No.9, M.G.ROAD
BENGALURU-560 001
BY ITS MANAGER.

...RESPONDENTS

(BY SRI JANARDHAN REDDY, ADVOCATE FOR R2
V/O DTD. 08.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:20.05.2025 PASSED IN MVC No.7019/2023 ON THE FILE OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE, MACT, COURT OF SMALL CAUSES , BENGALURU (SCCH-25), ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS 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 20.05.2025 passed in MVC No.7019/2023 by the XXIII Additional Small Causes Judge, Court of Small Causes, Member, MACT, Bengaluru, (SCCH-25).



2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 25.07.2023 contending that the accident occurred due to rash and negligent driving of the driver of Eicher goods vehicle bearing Regn.No.KA-13-C-8694. 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.	Pain and suffering	1,00,000/-
02.	Medical expenses	2,67,772/-
03.	Loss of income during laid up period	32,000/-
04.	Loss of future income	5,87,520/-
05.	Loss of future amenities and happiness	20,000/-
06.	Attendant, conveyance, food and nourishment charges	20,000/-
	Total	10,27,292/-

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with



interest. The claimant seeking enhancement of compensation has filed the present appeal.

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

5. Learned counsel for appellant would contend that claimant has sustained left frontal hemorrhagic contusion with depressed right parietal bone fracture. PW.2- Doctor assessed his disability and stated that the claimant is having neuro disability of around 20% and it is pertaining to whole body. The disability taken by the Tribunal at 18% is not proper. The claimant is a labourer and the disability has affected his functioning as labourer. The notional income fixed for the year 2023 is Rs.16,250/- p.m. and it has to be taken as against Rs.16,000/- taken by the Tribunal. Since the disability is 20%, future prospects are to be added at 40%. The Tribunal has rightly taken multiplier '17'. With this he prayed to allow the appeal.



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6. Learned counsel for respondent No.2/insurer would contend that the disability taken by the Tribunal is just and proper and there are no grounds for enhancement. With this he prayed to dismiss the appeal.

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

8. The accident occurred on 25.07.2023 and as on the date of accident the claimant was aged 27 years. Considering the age of the claimant the Tribunal has rightly taken multiplier '17'. The claimant has sustained left frontal hemorrhagic contusion with depressed right parietal bone fracture. PW.2-Dcotor has assessed his disability and stated the claimant is having 20% neuro disability pertaining to whole body. Considering the said aspect and that the claimant is labourer, functional disability is to be taken at 20% as against 18% taken by the Tribunal. As per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed



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for the year 2023 is Rs.16,250/- p.m. and it is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has not taken future prospects. Since the disability is taken at 20%, the claimant is entitled to future prospects at 20%. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.16,250} + 6500(40\%) = 22,750 \times 12 \times 17 \times 20\% = 9,28,200/-$$

9. Considering the injuries sustained the compensation awarded by the Tribunal towards loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.50,000/-. The claimant is entitled to loss of income during laid up period for three months in a sum of Rs.48,750/- (Rs.16,250 x 3 months) as against Rs.32,000/- 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	1,00,000/-
02.	Loss of income during laid up	48,750/-



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	period	
03.	Loss of amenities	50,000/-
04.	Attendant, conveyance charges	20,000/-
05.	Medical expenses	2,67,772/-
06.	Loss of future income	9,28,200/-
	Total	14,14,722/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.14,14,722/- as against Rs.10,27,292/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.3,87,430/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 290 days in filing the appeal. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. 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.3,87,430/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant is not entitled to interest for the delay period of 290 days in filing the appeal.
- v) Appellant/claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 26
Ct.sm