



CNR: KAHC010378592025

NC: 2026:KHC:42510
MFA No. 4364 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4364 OF 2025

(MV-I)

BETWEEN:

SRI LAKSHMAIAH T C
S/O CHINNAIAH
AGED ABOUT 41 YEARS
RESIDING AT: No.21, BANGARPETE
THYRANAHALLI, KARAMANGALA
KOLAR-563 114.

...APPELLANT

(BY SRI GURUDEVA PRASAD K T, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

AND:

1. UNITED INDIA INSURANCE CO. LTD.,
BY ITS MANGER, TP HUB
5TH AND 6TH FLOOR, KRISHI BHAVAN
HUDSON CIRCLE, NRUPATHUNGA ROAD
BENGALURU - 560 001.
2. MR.TERENCE PRAKASH J
S/O JAYAPRAKASH.A
AGED ABOUT 35 YEARS
R/AT No.23, 1ST CROSS



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H. P.NAGAR, OPPOSITE H AND P DIVISION
BEML NAGAR POST, KGF - 563 115.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R1
V/O DTD. 3.7.2025 NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.10.2024 PASSED IN MVC No.1344/2023 ON THE FILE OF THE XXII 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 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 01.10.2024 passed in MVC No.1344/2023 by the XXII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-24).

2. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 14.02.2023



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contending that the accident occurred due to rash and negligent riding of rider of motor cycle bearing Regn.No.KA-08-R-7755. 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	60,000/-
02.	Towards conveyance, attendant charges and nourishing food	25,000/-
03.	Towards loss of income during laid up period	46,500/-
04.	Medical expenses	6,72,520/-
05.	Future medical expenses	60,000/-
06.	Discomfort and amenities	1,00,000/-
	Total	9,64,020/-

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.1/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.1/insurer.



5. Learned counsel for appellant would contend that claimant has sustained five injuries and there is also injury to his eye. PW.2- Doctor has assessed his disability and stated that claimant is having 13% disability to the whole body. PW.4 is an Ophthalmologist who has treated the claimant with regard to his eye. He has stated that there is double vision and he has to undergo squint surgery. PW.1 in his evidence has stated that he has lost eye sight of one eye. Considering the said aspect, the Tribunal ought to have taken the same into consideration and awarded loss of future income by taking the notional income. The compensation awarded for pain and suffering and loss of amenities are on lower side. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.1/insurer would contend that the injury sustained by the claimant is on his face and it does not affect his business and therefore, there is no functional disability and the same has been rightly considered by the Tribunal. PW.4 even



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though has stated that there is double vision but such statement by PW.4 is after 2 ½ months of the accident. Considering the said aspect the Tribunal has not awarded anything towards loss of future income and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

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

8. The accident has taken place on 14.02.2023 and as on the date of accident the claimant was aged 39 years.

The claimant has sustained the following injuries:

- Cut lacerated wound over left eyebrow region about 8 cm
- CLW over left lower eyelid with conjunctival breach
- CLW over upper lip about 7 cm
- Rocking of face at FZ joints
- Crepitus over left maxilla
- Left eye ecchymosis and chemosis



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9. PW.2 is the Doctor who has examined the claimant and assessed his disability has stated that the claimant is having total body disability at 13%. PW.4 is an Ophthalmologist and he has stated that he conducted surgery of the left eye of the claimant as water was coming out in both the eyes and inspite of surgery, there is double vision of claimant and it can be cured by squint surgery and he has stated what is the cost of said surgery. PW.4 has denied in his cross-examination that the said running of water from the eyes is not due to the effect of injuries sustained in the accident. Considering the said aspect the claimant is entitled to loss of future income taking disability at 13%. The notional income fixed for the year 2023 is Rs.15,500/-p.m. and multiplier applicable is '15' as the claimant is aged 39 years. Therefore, the loss of future income is calculated as under:

$$\text{Rs.15,500} \times 12 \times 15 \times 13\% = \text{Rs.3,62,700/-}$$



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10. The compensation awarded for pain and suffering, attendant charges, loss of income during laid up period, medical expenses and loss of amenities are just and proper. Considering the said aspect the claimant is entitled to enhanced compensation of Rs.3,62,700/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 146 days in filing the appeal as per order dated 17.10.2025 passed on I.A.1/2025. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

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.3,62,700/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.
- v) Appellant/claimant is not entitled for interest for the delay period of 146 days in filing the appeal.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DKB
List No.: 1 Sl No.: 18
Ct.sm