



CNR: KAHC010383302026

NC: 2026:KHC:46668
MFA No. 4152 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4152 OF 2026 (MV-I)

BETWEEN:

NIKHIL M
S/O. MANJUNATHA,
AGED ABOUT 20 YEARS,
R/AT KOTHANUR, SIDLAGHATTA,
CHIKKABALLAPURA DISTRICT
KARNATAKA - 562 105.

...APPELLANT

(BY SRI. N.R. RANGEGOWDA, ADVOCATE)

AND:

1. THE PRINCIPAL,
SESHADRIPURAM PUBLIC SCHOOL,
MOTHER DAIRY ROAD,
YELAHANKA NEW TOWN,
BANGALORE - 560 106.
2. UNITED INDIA INSURANCE CO.LTD.,
REP. BY ITS MANAGER,
5TH AND 6TH FLOOR, KRISHI BHAVAN,
NRUPATHUNGA ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2;
VIDE ORDER DATED 19.06.2026, NOTICE TO R1
DISPENSED WITH)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: 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. 05/12/2025 PASSED IN MVC NO. 8574/2024 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, AT BENGALURU., PARTLY 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 claimant seeking enhancement of compensation awarded in the judgment and award dated 05.12.2025 passed in MVC No.8574/2024 by XXII Additional Small Cause Judge and Member, MACT, Bengaluru (SCCH-24).

2. Even though the appeal is listed today for orders, 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/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 05.09.2024 contending



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that the accident occurred due to rash and negligent driving of the driver of a school bus bearing registration No.KA-50-A-2110.

4. The Tribunal, after recording the evidence and appreciating the evidence on record, has assessed the compensation and awarded compensation under various heads as under:-

Sl. No.	Heads	Amount
1	Towards Pain and sufferings	70,000.00
2	Medical expenses	2,09,831.00
3	Towards loss of income during laid up period	66,000.00
4	Towards Conveyance, Attendant charges and nourishing food	25,000.00
5	Future medical expenses	30,000.00
6	Loss of amenities and discomfort	2,00,000.00
	Total	6,00,831.00

5. The Tribunal has also awarded interest at the rate of 6% per annum on Rs.5,70,831/-(excluding the interest on future medical expenses of Rs.30,000/-) from the date of



petition till realisation and directed respondent No.2/ Insurer to deposit the award amount with interest.

6. The claimant seeking enhancement of the compensation awarded by the tribunal has filed the present appeal.

7. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2/Insurer.

8. Learned counsel for the appellant would contend that even though the claimant has suffered a disability, the tribunal has not awarded a loss of future income due to disability. The doctor has stated that the claimant has sustained 36% disability to a lower limb and therefore the whole body disability is to be taken at 12%. The compensation awarded under other heads is just and proper. With this he prayed to allow the appeal.

9. Learned counsel for respondent No.2/Insurer would contend that as loss of income due to disability is not awarded, the same is compensated in loss of amenities. If the loss of future income is awarded then the amenities awarded by the



tribunal requires to be reduced. The compensation awarded by the tribunal on all heads is just and proper and there are no grounds for enhancement. With this, he prayed for dismissal of the appeal.

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

11. The accident occurred on 05.09.2024 and as on the date of accident the claimant was 18 years. PW-3 is a Doctor who has examined the claimant and assessed his disability and stated that the claimant is having 36% disability to the lower limb. Therefore the disability to the whole body is to be taken at 1/3rd of 36 i.e. 12%. As the accident has taken place in the year 2024 the notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.17,000/- per month. The claimant is aged 18 years and multiplier applicable is 18.

12. In view of the above, the loss of dependency is calculated as under:-

$$\text{Rs.17,000} \times 12 \times 18 \times 12\% = 4,40,640.$$



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13. The Tribunal awarded higher amount in loss of amenities since it has not awarded loss of future income. Therefore, the amenities awarded by the tribunal requires to be reduced to Rs.50,000/- from Rs.2,00,000. The compensation awarded under other heads is just and proper.

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

Sl. No.	Heads	Amount
1	Loss of future income	4,40,640.00
2	Pain and suffering	70,000.00
3	Loss of amenities	50,000.00
4	Attendant and conveyance charges	25,000.00
5	Future medical expenses	30,000.00
6	Loss of income during laid up period	66,000.00
7	Medical expenses	2,09,831.00
	Total	8,91,471.00

15. The claimant is entitled to total compensation of Rs.8,91,471/- as against Rs.6,00,831/- awarded by the



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tribunal. Consequently, the claimant is entitled to enhanced compensation of the Rs.2,90,640/-.

16. The respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

17. 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.2,90,640/- 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 with interest before the tribunal within a period of 6 weeks from this day.
- iv. The appellant/claimant is entitled to release of the entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE