



CNR: KAHC010383312026

NC: 2026:KHC:54990
MFA No. 4151 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.4151/2026 (MV-I)

BETWEEN:

1. RANGANATHA .N
S/O LATE NAGESH .N
NOW AGED ABOUT 14 YEARS
R/AT. NO.105, MILK ROAD
DODDAMARALI, CHIKKABALLAPURA
KARNATAKA-562 103
THE APPELLANT IS SINCE MINOR
REP BY HIS MOTHER AS
NATURAL GUARDIAN.

...APPELLANT

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

AND:

1. HIMANSH RUSIA
S/O PRADEEP KUMAR RUSIA
AGED MAJOR
R/AT. NO.2232, E BLOCK
PRANAVA GITAAR APT.,
KADUBEESANAHALLI
BELLANDUR, BENGALURU-560103.
2. TATA AIG GENERAL INS CO., LTD.,
REP. BY ITS MANAGER
JP AND JAMBUKESWARA ARCADE
NO.69, MILLERS ROAD
BANGALORE- 560 046

...RESPONDENTS

(BY SRI. B. PRADEEP, ADV., FOR R2
V/O/DTD:19.06.2026, NOTICE TO R1 IS D/W)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





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THIS MFA IS FILED U/S.173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE AND MEMBER MACT AT BANGALORE (SCCH-25), IN MVC NO.3544/2024 DATED 20.11.2025 AND TO ENHANCE THE COMPENSATION FROM RS.10,22,553/- TO RS.20,00,000/- BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 20.11.2025 passed in MVC No. 3544/2024 by the XXIII Small Causes Judge and MACT, Bengaluru (SCCH-25).

2. Even though the appeal is listed for 'Admission' today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

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3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 17.04.2024 due to the rash and negligent driving by the driver of car bearing registration No. KA-01-NA-8423. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Medical expenses	Rs.4,20,053.00
2	Loss of income during treatment	Rs.5,500.00
3	Attendant, food and nourishment charges	Rs.11,000.00
4	Pain and suffering	Rs.1,00,000.00
5	Loss of future earning on account of disability	Rs.4,86,000.00
	Total	Rs.10,22,553.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant

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seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. The accident occurred on 17.04.2024 and as on the date of accident the claimant - injured was aged 12 years. Notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- and the same is to be taken as against Rs.15,000/- taken by the Tribunal.

7. Claimant had sustained the following injuries:

“Right femur shaft fracture

Nasal bone fracture with Dento Aoveolar fracture of Anterior Maxilla

Underwent surgery in the form of closed reduction

splinting of Nasal bone fracture and bridge wiring of Dento Alveolar fracture”



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8. Considering the said injuries sustained by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,00,000/- is enhanced to Rs.1,20,000/-. The Tribunal has not awarded compensation towards loss of amenities. Considering the injuries sustained, claimant is entitled to loss of amenities in a sum of Rs.80,000/-.

9. Claimant was aged 12 years as on the date of accident. Considering the fractures sustained, claimant had to take rest at-least for 2 months and one of the parents had to take care of the claimant. Therefore, claimant is entitled to loss of income during laid up period for the parent in a sum of Rs.34,000/- (Rs.17,000 X 2 months) as against Rs.5,500/- awarded by the Tribunal.

10. The Tribunal has rightly awarded attendant charges in a sum of Rs.11,000/- since claimant was admitted in the hospital for 11 days.

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11. The Tribunal has rightly awarded medical expenses in a sum of Rs.4,20,053/- based on the bills.

12. P.W.4 – Doctor has stated that the claimant has to undergo surgery for removal of implant and therefore, he is entitled to future medical expenses in a sum of Rs.30,000/-.

13. P.W.3 is the Doctor who has examined the claimant, assessed the disability and stated that claimant is having 26% disability to the right lower limb and $\frac{1}{3}^{\text{rd}}$ to the whole body. In case of disability to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body. Therefore, disability to the whole body is 8.66% ($\frac{1}{3}^{\text{rd}}$ of 26%).

14. P.W.5 is the Doctor and he is a Dentist. He has assessed the disability of the claimant and stated that claimant is having 20% disability to the whole body. There is missing of tooth of claimant. Considering the evidence

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of P.W.5, disability is to be taken at 10%. Therefore, total disability is 18.66% (8.66% + 10%).

15. Since the claimant was aged 12 years as on the date of accident, multiplier applicable is ` 15'.

16. In view of the above, loss of future income due to disability is calculated as under:

$$17,000 \times 12 \times 15 \times 18.66\% = \text{Rs.}5,70,996/-$$

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

1	Pain and suffering	Rs.1,20,000/-
2	Loss of amenities	Rs.80,000/-
3	Medical expenses	Rs.4,20,053/-
4	Loss of income during laid up period to the parent	Rs.34,000/-
5	Future medical expenses	Rs.30,000/-
6	Attendant, conveyance, food etc.	Rs.11,000/-
7	Loss of future income due to disability	Rs.5,70,996/-
	Total	Rs.12,66,049/-

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18. Considering the above aspects claimant is entitled to total compensation of Rs.12,66,049/- as against Rs.10,22,553/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,43,496/- with interest. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

19. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,43,496/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Entire enhanced compensation with interest shall be kept in fixed deposit with Karnataka Bank, City Civil

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Court Branch, Bengaluru in the name of appellant –
claimant (minor) till he attains majority.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 29