



CNR: KAHC010396642026

NC: 2026:KHC:43315
MFA No. 4323 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4323 OF 2026 (MV-I)

BETWEEN:

SMT. MANGALA
W/O LATE NAGARAJAPPA ,
AGED ABOUT 39 YEARS,
N/W R/O C/O RUDRESH,
NEHARU NAGARA, HOLALKERE ROAD,
R/O T. NULENURU VILLAGE, HOLALKERE TALUK,
CHITRADURGA - 577 526.

...APPELLANT

(BY SRI. SHIVAKUMARAPPA T.C, ADVOCATE)

AND:

1. SRI. M. BASAVARAJA
S/O K.B. MANJAPPA,
MAJOR,
R/O KONANUR VILLAGE ,
DODALAGATTA POST, CHITRADURGA TALUK,
AND DISTRICT - 577 501.
2. M/S. IFFCO -TOKIO GENERAL
INSURANCE CO. LTD.,
BY ITS AUTHORIZED REPRESENTATIVE/
BRANCH MANAGER,SERVICE OFFICE,
BHIMA SAHINK,
CHITRADURGA TOWN - 577 501.

...RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2;
VIDE ORDER DATED 23.06.2026, NOTICE TO R1 IS
DISPENSED WITH)



Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010396642026

NC: 2026:KHC:43315
MFA No. 4323 of 2026

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 28/01/2026 PASSED IN MVC NO.1250/2022 ON THE FILE OF THE II ADDL. SENIOR CIVIL JUDGE AND ADDL. MACT-V AT CHITRADURGA., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 28.01.2026 passed in MVC No.1250/2022 by II Additional Senior Civil Judge and Additional MACT-V, Chitradurga.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.



CNR: KAHC010396642026

NC: 2026:KHC:43315
MFA No. 4323 of 2026

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 11.04.2022 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-16-P-2716.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Towards pain and sufferings	Rs. 30,000/-
2.	Towards Conveyance, Attendant charges and nourishing food	Rs. 10,000/-
3.	Towards loss of discomfort and amenities	Rs. 5,000/-
4.	Towards loss of income during laid down period	Rs. 15,000/-
5.	Towards permanent disability	Rs. 2,20,608/-
6.	Towards medical bills	Rs. 27,570/-
	Total	Rs. 3,08,178/-



5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellant would contend that, considering the injury sustained, the compensation awarded for pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. The claimant has been admitted in the hospital for eleven (11) days and the compensation awarded for attendant and conveyance charges is on lower side. The compensation awarded for loss of future income and medical expenses is just and proper. With these, he prayed to allow the appeal.



8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.

10. The claimant is a lady and she was aged thirty five (35) years as on the date of accident. The accident occurred on 11.04.2022. The Tribunal taken the notional income of Rs.15,000/- has rightly calculated loss of future income taking the disability at 7.66% and applied multiplier '16'. Considering that the claimant has suffered fracture of upper limb, the compensation awarded towards pain and sufferings in a sum of Rs.30,000/- is just and proper. But the compensation awarded towards loss of



CNR: KAHC010396642026

amenities in a sum of Rs.5,000/- is not proper and the claimant is entitled to Rs.20,000/- towards loss of amenities.

11. The claimant has been admitted in the hospital for eleven (11) days and therefore, she is entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.11,000/- (Rs.1,000/- X 11 days) as against Rs.10,000/- awarded by the Tribunal.

12. Considering the fracture sustained and occupation of the claimant as agriculture, she has to take rest at least for two (02) months and therefore, she is entitled to loss of income during laid up period in a sum of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. The Tribunal has rightly awarded loss of future income due to disability and medical expenses.

13. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:



CNR: KAHC010396642026

NC: 2026:KHC:43315
MFA No. 4323 of 2026

Sl. No.	Particulars	Amount
1.	Towards pain and sufferings	Rs. 30,000/-
2.	Towards Conveyance, Attendant charges and nourishing food	Rs. 11,000/-
3.	Towards loss of discomfort and amenities	Rs. 20,000/-
4.	Towards loss of income during laid down period	Rs. 30,000/-
5.	Towards permanent disability	Rs. 2,20,608/-
6.	Towards medical bills	Rs. 27,570/-
	Total	Rs. 3,39,178/-

14. The claimant is entitled to total compensation of Rs.3,39,178/- as against Rs.3,08,178/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.31,000/- (Rs.3,39,178/- - Rs.3,08,178/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.



CNR: KAHC010396642026

NC: 2026:KHC:43315
MFA No. 4323 of 2026

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.31,000/- 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 amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

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