



CNR: KAHC010399502026

NC: 2026:KHC:44428
MFA No. 4388 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4388 OF 2026

(MV-I)

BETWEEN:

SMT. PADMA B S
W/O RANGEGOWDA
NOW AGED ABOUT 45 YEARS
RESIDING AT:
BIDANAGERE VILLAGE
WARD No.1,
KUNIGAL TOWN
TUMKUR DISTRICT -572 130.

...APPELLANT

(BY SRI. B CHANDRASHEKHARIAH., ADVOCATE)

AND:

1. SRI HARISHA B S
S/O SIDDALINGAIAH
MAJOR
(AGE OF R1 NOT KNOW TO APPELLANT)
RESIDING AT:
HOSARANGAYANAPALYA VILLAGE
BIDANAGERE POST
KUNIGAL TALUK
TUMAKUR DISTRICT-572 130.
2. UNITED INDIA INSURANCE COMPANY LTD.,
D.O, 6TH FLOOR,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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KRUSHI BHAVAN, HUDSON CIRCLE,
NRUPATHUNGA ROAD
BENGALURU -560 001
BY ITS MANAGER.

...RESPONDENTS

(BY SRI B C SEETHARAM RAO, ADVOCATE FOR R2
V/O DTD. 25.6.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED.24/11/2025 PASSED IN MVC NO. 4626/2023 ON THE FILE OF THE I ADDL. SMALL CAUSES JUDGE AND ACJM AND MOTOR VEHICLES ACCIDENT CLAIM TRIBUNAL ., BENGALURU., 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

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 24.11.2025 passed in MVC No. 4625/2023 by the I Additional Small Causes Judge and MACT, Bengaluru (SCCH-11).

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.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 06.06.2023 due to the rash and negligent driving by the rider of two wheeler bearing registration No. KA-02-HJ-1107. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded global compensation of Rs.50,000/- with 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 seeking enhancement of the compensation awarded, has filed the present appeal.

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



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5. Learned counsel for appellant would contend that claimant had sustained six injuries over her face. As per Ex.P.8 – discharge summary she has sustained comminuted displaced fracture of right lateral wall of orbit, lateral and anterior wall of right maxillary sinus with hemosinus. Considering the said injuries, compensation awarded by the Tribunal is on lower side. Claimant is entitled to award of compensation under the heads 'pain and suffering', 'loss of amenities' and 'loss of income during laid up period'. Claimant was admitted in the hospital for 4 days and therefore, she is entitled to attendant and conveyance charges. Claimant had incurred medical expenses of Rs.2,730/-. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that the Doctor has not been examined and fracture has not been proved. Injuries sustained by the claimant are on the face. Considering these aspects the



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Tribunal has rightly awarded compensation and there are no grounds for enhancement of compensation.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and certified copy of Ex.P.8 – discharge summary made available by the learned counsel for appellant.

8. As per Ex.P.8 the claimant had sustained the following injuries;

- i. Edema and tenderness over the right zygomatic region
- ii. Abrasion measuring about 4 X 2 cm over right zygomatic and maxillary region
- iii. Abrasion measuring about 2 x 2 cm over right side of forehead
- iv. Abrasion measuring about 1 x 1 cm over lower lip
- v. Abrasion measuring about 1 x 1 cm over dorsum of hands



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vi. Abrasion measuring 3 x 1 cm over dorsum and nasal ala on right side of nose.

9. In the said discharge summary it is mentioned that claimant had sustained comminuted displaced fracture of right lateral wall of orbit, lateral and anterior wall of right maxillary sinus with hemosinus. Considering the said injuries sustained, claimant is entitled to award of compensation towards 'pain and suffering' and 'loss of amenities'. Claimant is entitled to compensation towards 'pain and suffering' in a sum of Rs.60,000/- and 'loss of amenities' in a sum of Rs.40,000/-.

10. Claimant was admitted in the hospital for 4 days and therefore, she is entitled to compensation towards attendant, food and conveyance charges in a sum of Rs.4,000/-.

11. Since claimant had sustained injuries and fractures, she had to take rest at-least for one month and



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therefore, she is entitled to loss of income during laid up period for one month in a sum of Rs.16,250/-.

12. Claimant had incurred medical expenses of Rs.2,730/- and she is entitled for the same.

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

1	Pain and sufferings	Rs.60,000.00
2	Loss of amenities	Rs.40,000.00
3	Attendant, food & conveyance charges	Rs.4,000.00
4	Loss of income during laid up period	Rs.16,250.00
5	Medical expenses	Rs.2,730.00
	Total	Rs.1,22,980.00

14. Considering the above aspects claimant is entitled to total compensation of Rs.1,22,980/- as against Rs.50,000/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.72,980/-. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.



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15. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.72,980/- 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) Appellant - claimant is entitled to release of entire enhanced compensation.

Registry is directed to send back the trial Court records.

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

LRS
List No.: 1 Sl No.: 2
Ct.sm