



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.4630 OF 2025(MV-I)

BETWEEN:

SHRI. ASHOK D.N.,
SON OF NARASIMHA GOWDA,
NOW AGED ABOUT 41 YEARS ,
RESIDING AT NO.216, 13TH C MAIN,
HMT LAYOUT,
PO MSRIT, MATHIKERE,
BENGALURU – 560 054.

...APPELLANT

(BY SMT. SUSHMITHA G., ADVOCATE)

AND:

1. NARAYANA P.M.,
SON OF SUBBA POOJARY,
M/S NISHMITHA MOTORS,
MOODABIDRI,
MANGALORE – 574 227.
2. THE ORIENTAL INSURANCE CO. LTD.,
REGIONAL OFFICE,

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



CNR: KAHC010400022025

**NC: 2026:KHC:45231
MFA No. 4630 of 2025**

NO.44/45, LEO SHOPPING COMPLEX,
RESIDENCY ROAD,
BENGALURU – 560 025.
REPRESENTED BY ITS MANAGER.

...RESPONDENTS

(BY SMT.GEETHA RAJ, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH VIDE ORDER DATED
23.09.2025)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 01.04.2025 PASSED IN MVC
NO.6512/2023 ON THE FILE OF THE III ADDITIONAL JUDGE
AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU,
(SCCH-18), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in the Judgment and Award dated 01.04.2025, passed in MVC.No.6512/2023, by the III Addl.Judge & Member, MACT, Court of Small Causes, Bengaluru, (SCCH-18), (for short, `Tribunal').

2. The appellant/claimant made a claim petition seeking for award of compensation for the injuries sustained by him in the road traffic accident occurred on 01.08.2023, contending that the accident occurred due to rash and negligent driving by the driver of Bus bearing registration No.KA-51-AJ-0630.

3. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record,



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and suffering	Rs. 1,50,000/-
2.	Loss of income during laid-up period and rest period	Rs. 96,000/-
3.	Medical expenses	Rs. 2,63,136/-
4.	Attendant, noursihment and conveyance charges	Rs. 1,50,000/-
5.	Loss of future income	Rs. 24,19,200/-
6.	Loss of amenities	Rs. 1,00,000/-
7.	Future medication	Rs. 50,000/-
	Total	Rs. 32,28,336/-

4. 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.

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



6. Learned counsel for the appellant would contend that, there is amputation of the left leg above knee of the claimant due to the injuries sustained by him in the accident. The claimant was working as a delivery boy in Zomata and was aged about 39 years at the time of the accident. Due to the injuries suffered by him, he has been removed from the employment. PW-2 - doctor has stated that the claimant has suffered 85% disability to the whole body and the Tribunal has erred in taking the disability only at 65%.

7. The learned counsel for the appellant relying upon the decision of the Hon'ble Apex Court in the case of ***S.Ettiappan -vs- D.Kumar and another, SLP.No.15621/2025, decided on 16.10.2025,*** submits that the disability for the amputation of leg above knee has to be taken as 100% since the claimant cannot continue his avocation. She further submits that, even though the doctor has stated that the claimant requires artificial limb, which costs about Rs.50,000/- to



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

Rs.1,00,000/-, the Tribunal has only awarded Rs.50,000/- towards future medical expenses. Hence, the compensation awarded for pain and suffering, loss of amenities, loss of income during the laid-up period and attendant charges are on the lower side. Hence, she prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, considering the evidence of the doctor, the Tribunal has rightly taken the disability at 65% and that the claimant can continue his avocation by using the artificial limb. She further submits that the judgment relied upon by the learned counsel for the appellant involves amputation of leg of a loader and the occupation of a loader cannot be compared with the occupation of a food delivery boy and therefore, the disability cannot be taken as 100%. The claimant has also claimed Rs.1,60,900/- under the bills produced at Ex.P-15 towards artificial limb and there is no evidence on record to establish the period for which the said artificial limb can



be used. The compensation awarded under all heads is higher. With these, she 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 impugned Judgment, Award and Trial Court records.

10. The accident occurred on 01.08.2023 and as on the date of the accident, claimant was aged 39 years and he was working as a food delivery boy at Zomato. As no income proof is produced, the Tribunal has rightly taken the notional income at Rs.16,000/- per month. Considering the age of the claimant, the Tribunal has rightly added 40% towards future prospects and taken the multiplier `15'.



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

11. In the judgment relied upon by the learned counsel for the appellant in the case of ***S.Ettiappan (cited supra)***, the amputation of the leg is of a loader. The physical work of a loader is different than the physical work of a food delivery body. Therefore, in the present case, even there is amputation of the left leg above knee, the disability of the claimant cannot be taken at 100% .

12. PW-2 - doctor has stated the whole body disability as 85%. Therefore, considering the same, functional disability is to be taken as 85%. Therefore, loss of future income due to disability is calculated as under :

$$\begin{aligned} &\text{Rs.16,000/-} + \text{Rs.6,400/- (40\%)} = \text{Rs.22,400/-} \\ &\text{X 12 X 15 X 85\%} = \text{Rs.34,27,200/-} . \end{aligned}$$

13. One of the bills produced in Ex.P-15 pertains to artificial limb and the claimant has made a claim of Rs.1,60,900/- towards artificial limb and that has been awarded under the medical expenses by the Tribunal. For how many years the said artificial limb can be used



has not been stated either by the claimant or by the doctor. Considering the said aspect, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.50,000/- is proper.

14. Considering the injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,50,000/-, loss of amenities of Rs.1,00,000/-, loss of income during the laid up period of six months in a sum of Rs.96,000/- and attendant charges in a sum of Rs.1,50,000/-, are just and proper. Further, the Tribunal has rightly awarded a sum of Rs.1,63,136/- towards medical expenses by considering the medical bills produced by the claimant.

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

Sl. No.	Particulars	Amount
1.	Pain and suffering	Rs. 1,50,000/-
2.	Loss of income during laid-up period and rest period	Rs. 96,000/-



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

3.	Medical expenses	Rs.	2,63,136/-
4.	Attendant, noursihment and conveyance charges	Rs.	1,50,000/-
5.	Loss of future income	Rs.	34,27,200/-
6.	Loss of amenities	Rs.	1,00,000/-
7.	Future medication	Rs.	50,000/-
	Total	Rs.	42,36,336/-

16. Thus, the claimants are entitled to total compensation of Rs.42,36,336/- as against Rs.32,28,336/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.10,08,000/- (Rs.42,36,336/- - Rs.32,28,336/-), with interest at the rate of 6% per annum from the date of petition till realisation.

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

19. In view of the above, the following:



CNR: KAHC010400022025

NC: 2026:KHC:45231
MFA No. 4630 of 2025

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.10,08,000/- 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 claimant is entitled to release of entire enhanced compensation amount.*

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

BK
List No.: 1 Sl No.: 9