



CNR: KAHC010403742026

NC: 2026:KHC:51119
MFA No. 4447 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4447 OF 2026

(MV-I)

BETWEEN:

SRI GOVARDHANA C J
AGED ABOUT 22 YEARS
S/O. GANGADHARAPPA
R/A. CHIKKA KURUGODU VILLAGE
GOWRIBIDANUR TALUK,
CHIKABALLAPURA DISTRICT.

...APPELLANT

(BY SRI D. NAGARAJA, ADVOCATE)

Digitally signed **AND:**

by
PADMAASHREE

SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

1. CHOLAMANDALAM MS GEN. INSURANCE CO. LTD.,
REGIONAL OFFICE AT UNIT-IV, 9TH FLOOR
LEVEL-06, GOLDEN HEIGHTS COMPLEX
59TH 'C' CROSS, INDUSTRIAL SUBURB
RAJAJINAGAR 4TH BLOCK
BENGALURU- 560 019.
REPRESENTED BY ITS MANAGER.
2. SRI. PAVAN KUMAR,
MAJOR, S/O CHIKKEGOWDA
R/O TERIYURU AT POST
KODIGENAHALLI HOBLI



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MADHUGIRI TALUK
TUMKUR DISTRICT-572 132.

...RESPONDENTS

(BY SRI B C SHIVANNEGOWDA, ADVOCATE FOR R1
V/O DTD. 29.06.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:07/02/2025
PASSED IN MVC No.3737/2023 ON THE FILE OF THE CHIEF
JUDGE, COURT OF SMALL CAUSES, MEMBER PRL. MOTOR
ACCIDENT CLAIMS TRIBUNAL 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 appellant -claimant seeking
enhancement of compensation awarded in judgment and
award dated 07.02.2025 passed in MVC No.3737/2023 by
the Chief Judge, Court of Small Causes and member
Principal MACT, bengaluru.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



learned counsel for appellant and learned counsel for respondent No.1 –insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 27.04.2022 contending that the accident occurred due to rash and negligent driving of the rider of motorcycle bearing registration No.KA-64/U-6127. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

SL.No.	Heads of Compensation	Amount (Rs)
1	Pain and agony	50,000.00
2	Treatment charges	2,438.00
3	Conveyance , nourishment and attendant charges	5,000.00
4	Loss of income during treatment period (Rs.15,500/-x6)	93,000.00
5	Loss amenities and future unhappiness	30,000.00
Total		1,80,438.00



4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.1 -insurer.

6. Learned counsel for appellant submits that even though the disability to the whole body is at 11%, the Tribunal has not awarded loss of income due to disability only on the ground that no documents are produced to show loss of income.

7. The accident occurred on 27.04.2022 and as on the date of accident, the claimant was aged 20 years. Considering the said age of the claimant, the multiplier applicable is '18'. The Tribunal has rightly taken the notional income of Rs.15,500/-.



8. The claimant has sustained the following injuries:

- i) ZMC fracture
- ii) Left wrist fracture
- iii) Loss of teeth
- iv) Swelling over left side of face and left eye lid
- v) Left side black eye

P.W.3 is the doctor who has examined the claimant, assessed disability and stated that the claimant is having 32% disability to the upper limb. The Tribunal has held that disability to the whole body is 11%. Even though there is disability, the Tribunal has not awarded loss of future income due to disability. Since there is disability to the whole body, the claimant is entitled to loss of income due to disability. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.15,500} \times 12 \times 18 \times 11\% = \text{Rs.3,68,280/-}$$

9. The Tribunal has awarded loss of income during laid up period for 06 months. That might have been



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awarded since loss of future income due to disability is not awarded. Considering the injuries sustained by the claimant and treatment taken by him, he is entitled to loss of income during laid up period for 03 months in a sum of Rs.46,500/- (Rs.15,500/- x 3 months) as against Rs.93,000 as awarded by the Tribunal. Considering the injury sustained by the claimant, the Tribunal has rightly awarded pain and suffering in a sum of Rs.50,000/- and loss of amenities in a sum of Rs.30,000/-. The Tribunal has also rightly awarded medical expenses and attendant and conveyance charges.

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

SL.No.	Heads of Compensation	Amount (Rs)
1	Pain and suffering	50,000/-
2	Treatment charges	2,438/-
3	Conveyance , nourishment and attendant charges	5,000/-
4	Loss of income during treatment period (Rs.15,500/-x3)	46,500/-
5	Loss amenities and future unhappiness	30,000/-



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6	Loss of future income due to disability	3,68,280/-
Total		5,02,218/-

The claimant is entitled to total compensation of Rs.5,02,218/- as against Rs.1,80,438/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,21,780/- with interest at the rate of 6% per annum from the date of petition till realisation. The claimant is not entitled to interest for the delay period of 385 days in filing the appeal as per order dated 18.09.2026 passed on IA No.1/2026. Respondent No.1 - insurer is liable to pay the said enhanced compensation with interest.

11. 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.3,21,780/- with interest at



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the rate of 6% per annum from the date of petition till realization.

- iii) The claimant is not entitled to interest for the delay period of 385 days in filing the appeal.
- iv) Respondent No.1 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) The appellant –claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 12
Ct.sm