



CNR: KAHC010406322026

NC: 2026:KHC:50994
MFA No. 4480 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. 4480 OF 2026

(MV-I)

BETWEEN:

SRI RIYAZ
S/O MOHAMMED ALI
AGED ABOUT 36 YEARS
RESIDING AT
OPP: KANNAD SCHOOL
ADISHAKTHINAGARA
CHIKKAMAGALURU - 577 101.

...APPELLANT

(BY SRI. VENKATE GOWDA K, ADVOCATE)

Digitally signed **AND:**

by

 PADMASHREE 1.
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

1. SRI GIRIDHARA N
S/O NAGARAJAIAH
AGED ABOUT 32 YEARS
RESIDING AT No. 3
'ANUGRAHA', 1ST CROSS
1ST MAIN, NEAR HIRANANDHANI APARTMENT
AKSHAYANAGARA EAST
BENGALURU SOUTH - 560 068.
2. THE KOTAK MAHINDRA GENERAL
INSURANCE COMPANY LTD
BY ITS MANAGER
1ST FLOOR SHUBASRI PRIDE



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No. 41, SOUTH END ROAD
BHARATHI NURSING HOME
BASAVANAGUDI
BENGALURU -560 008.

...RESPONDENTS

(BY SRI B C SHIVANNEGOWDA, ADVOCATE FOR R2
V/O DTD. 18.8.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:25.04.2026
PASSED IN MVC No.4203/2025 ON THE FILE OF THE
MEMBER, MACT, XIX ADDITIONAL JUDGE, COURT OF SMALL
CAUSES AND ACJM, BENGALURU, SCCH-17, 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 25.04.2026 passed in MVC No.4203/2025 by
the IXI Additional Judge, Court of Small Causes and MACT,
Bengaluru (SCCH-17).

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.2 –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 02.05.2024 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing registration No.KA-05/NJ-5413. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

a.	Towards pain and agony	Rs.50,000/-
b.	Towards medical expenses	Rs.1,88,100/-
c	Towards loss of income during laid up period	Rs.82,500/-
d	Towards disability	Rs.6,53,400/-
e	Towards food and nourishment	Rs.35,000/-
f	Towards attendant charges	Rs.43,000/-
g	Towards loss of amenities	Rs.35,000/-
h	Towards future medical expenses	Rs.55,000/-
i	Towards conveyance and Ambulance charges	Rs.14,000/-
Total		Rs.11,56,000/-



4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -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.2 -insurer.

6. Learned counsel for appellant would contend that the accident has taken place in the year 2024 and notional income fixed for the said year is Rs.17,000/- and it is to be taken as against Rs.16,500/- as taken by the Tribunal. He further submits that even though the disability taken by the Tribunal at 22%, the Tribunal has not added future prospectus at 40%. He submits that the Tribunal has rightly applied multiplier '15'.

7. The accident occurred on 02.05.2024 and as on the date of accident, the claimant was aged 39 years.



Considering the said age, the Tribunal has rightly applied multiplier '15'. The Tribunal considering the evidence of the doctor has rightly taken disability at 22%. Even though the disability is taken at 22%, the Tribunal has not added future prospectus. Since the claimant is aged 39 years, future prospectus are to be added at 40%. The notional income fixed for the year 2024 is Rs.17,000/- per month by Karnataka State Legal Service Authority and the said income is to be taken as against Rs.16,500/- as taken by the Tribunal. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.17,000/-} + 40\% = \text{Rs.23,800/-} \times 12 \times 15 \times 22\% = \text{Rs.9,42,480/-}.$$

7. The claimant is entitled to enhancement compensation under head of loss of income due to disability in a sum of Rs.2,89,080/- (Rs.9,42,480/- less Rs.6,53,400/-). The claimant is not seeking enhancement of compensation awarded by the Tribunal under other



heads. In view of the above, the claimant is entitled to enhanced compensation of Rs.2,89,080/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest before the Tribunal.

8. 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.2,89,080/- 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 with interest before the Tribunal within a period of 06 weeks from this day.



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- iv) The appellant –claimant is entitled to release of entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 SI No.: 4
Ct.sm