



CNR: KAHC010415202025

NC: 2026:KHC:46636
MFA No. 4767 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4767 OF 2025

(MV-I)

BETWEEN:

MAHESH B
S/O BASAVANNA
AGED ABOUT 26 YEARS
RESIDING AT: BANDALLI VILLAGE AND POST
KOLLEGALA TALUK
CHAMARAJANAGARA
DISTRICT PIN- 571 439.

...APPELLANT

(BY SRI K T GURUDEVA PRASAD, ADVOCATE)

AND:

1. BHAJANLAL
S/O ISHARA RAM
R/AT TEJAKALA DHANI
AGED ABOUT 40 YEARS
BHALISAR, BARMER DISTRICT
RAJASTHAN-344 704.
2. RELIANCE GEN. INS. CO. LTD.,
BY ITS MANAGER
5TH FLOOR CENTENARY BUILDING
M. G. ROAD, BENGALURU -560 001.

...RESPONDENTS

(BY SRI RAVI S SAMPRATHI, ADVOCATE FOR R2
V/O DTD. 4.07.2025 NOTICE TO R1 DISPENSED WITH)


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



NC: 2026:KHC:46636
MFA No. 4767 of 2025

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:14.03.2025 PASSED IN MVC No.2659/2023 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES , MEMBER MACT, BENGALURU (SCCH-13), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING 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 14.03.2025 passed in MVC No.2659/2023 by the II Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-13).

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 16.02.2022 contending that the accident occurred due to rash and negligent driving of the driver of Bolero vehicle bearing Regn.No.RJ-04-GB-9358. The Tribunal after recording the evidence of



CNR: KAHC010415202025

NC: 2026:KHC:46636
MFA No. 4767 of 2025

the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future earnings	2,67,840/-
02.	Pain and suffering	20,000/-
03.	Loss of amenities	20,000/-
04.	Medical expenses	3,17,666/-
05.	Conveyance, food, nourishment and attendant charges	15,000/-
06.	Loss of income during laid up period	31,000/-
	Total	6,71,506/-

4. The Tribunal also awarded interest @ 6% p.a. 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 claimant has sustained four injuries and out of them



CNR: KAHC010415202025

NC: 2026:KHC:46636
MFA No. 4767 of 2025

three are fractures. PW.2 – Doctor has examined the claimant and assessed his disability at 33% to the upper limb and 20% to the whole body. The disability taken by the Tribunal is not proper. The accident occurred in the year 2022 and the Tribunal has taken the notional income and ignored Ex.P8 – convocation certificate of the claimant. The claimant is having a degree of Doctor of Pharmacy and he cannot be equated with an unskilled labourer by taking notional income. The income of the claimant has to be taken higher than the notional income. He further submits that considering the injuries sustained, the compensation awarded for pain and suffering, loss of amenities are on lower on side. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the disability taken by the Tribunal is just and proper. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



8. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records.

9. The claimant is aged 24 years as on the date of accident. Ex.P8 is the convocation certificate of the claimant and it indicate that he is holding degree of Doctor of Pharmacy. A person holding degree of Doctor of Pharmacy cannot be equated with an unskilled labourer by taking notional income fixed for them. Considering the degree which the claimant is having his income is to be taken higher than the notional income. A Division Bench of this Court in MFA No.104894/2019 c/w MFA No.103864/2018 disposed on 28.02.2020 has taken the income of an Engineering student at Rs.25,000/-. Considering the said aspect, the claimant who is Doctor of Pharmacy degree holder, his income is to be taken at Rs.25,000/- p.m.

10. PW.2 is the Doctor and he has assessed the disability and stated that the claimant is having 33% disability to the upper limb and 20% to the whole body



CNR: KAHC010415202025

NC: 2026:KHC:46636
MFA No. 4767 of 2025

and the Tribunal has taken 8% disability but the disability is to be taken at 11% which is $\frac{1}{3}^{\text{rd}}$ of disability of the limb i.e. 33%. The Tribunal has rightly taken the multiplier '18'. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.}25,000 \times 12 \times 18 \times 11\% = 5,94,000/-$$

11. The claimant has sustained the following injuries:

- Fracture of left humerus
- Fracture of right temporal bone with SDH
- Fracture of D7 and D8 vertebrae
- Abrasion over lips.

12. Out of the four injuries, three are fractures and one is simple injury. Considering the injuries noted supra, the claimant is entitled to a sum of Rs.80,000/- towards pain and suffering as against Rs.20,000/- awarded by the Tribunal and a sum of Rs.60,000/- towards loss of amenities as against Rs.20,000/- awarded by the Tribunal. The Tribunal has awarded loss of income during laid up period for two months. Now the income is taken at



CNR: KAHC010415202025

NC: 2026:KHC:46636
MFA No. 4767 of 2025

Rs.25,000/- p.m., the claimant is entitled to Rs.50,000/- towards loss of income during laid up period.

13. The Tribunal has rightly awarded medical expenses, attendant and conveyance charges.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	5,94,000/-
02.	Pain and suffering	80,000/-
03.	Loss of amenities	60,000/-
04.	Medical expenses	3,17,666/-
05.	Attendant and conveyance charges	15,000/-
06.	Loss of income during laid up period	50,000/-
	Total	11,16,666/-

15. Considering the above aspects, the claimant is entitled to total compensation of Rs.11,16,666/- as against Rs.6,71,506/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.4,45,160/- with interest @ 6% p.a.



CNR: KAHC010415202025

**NC: 2026:KHC:46636
MFA No. 4767 of 2025**

from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

16. 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.4,45,160/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant is entitled to release of entire enhanced compensation.

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