



CNR: KAHC010416712026

NC: 2026:KHC:42684
MFA No. 4537 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4537 OF 2026

(MV-I)

BETWEEN:

SMT. D .S MANIMALA
W/O KANTHARAJU,
AGED ABOUT 50 YEARS,
R/AT NO.7/1,1ST FLOOR, 2ND CROSS
ABOVE KOTAK MAHINDRA BANK
KAMARAJ COLONY, HOSUR TALUK
KRISHNAGIRI DISTRICT
TAMILNADU-635 109.

ALSO R/AT No.9,
1ST MAIN ROAD, 3RD CROSS,
KITHAGANAHALLI
BOMMASANDRA POST
BENGALURU-560 099.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K T.,ADVOCATE)

AND:

1. M/S. UNITED INDIA INS. CO. LTD.,
BY ITS MANGER,
T.P. CLAIMS HUB, 5TH AND 6TH FLOOR
KRUSHI BHAVAN, HUDSON CIRCL
BENGALURU-560 002.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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2. MR.SHANKAR.R
AGED ABOUT 35 YEARS
R/AT NO.2/5 4TH CROSS
MAGADI ROAD
BENGALURU-560 023.

...RESPONDENTS

(BY SRI. VRUSHABHENDRIAH H. C, ADVOCATE FOR R1
V/O DTD. 30.06.2026, NOTICE TO R2 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED.17/03/2026
PASSED IN MVC NO. 9424/2024 ON THE FILE OF THE MACT
AND XV ADDL., JUDGE, COURT OF SMALL CAUSES, MAYO HALL
UNIT, 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 claimant seeking
enhancement of compensation awarded in the judgment
and award dated 17.03.2026 passed in MVC No.
9424/2024 by the XV Additional Judge, Court of Small
Causes and MACT, Bengaluru (SCCH-19).



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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. 1 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 02.11.2024 due to the rash and negligent driving by the driver of car bearing registration No. KA-02-MD-7778. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and suffering	Rs.60,000.00
2	Medical expenses	Rs.1,41,863.00
3	Transportation, Nourishment, conveyance and attendant charges	Rs.4,500.00
4	Compensation on account of permanent disability	Rs.1,28,700.00
5	Towards future medical expenses	Rs.20,000.00
6	Loss of income during laid	Rs.30,000.00



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	up period	
7	Towards loss of amenities of life	Rs.30,000.00
	Total	Rs.4,15,063.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 1 – Insurer.

6. Learned counsel for appellant would contend that claimant had sustained the following injuries:

- a) Open bite
- b) Sensitivity in upper teeth
- c) Pain during chewing and palpation
- d) Change in alignment of teeth



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7. P.W.3 is the Doctor and she has assessed the disability at 28% and the Tribunal has erred in taking the disability at 5%. The notional income fixed for the year 2024 as per the chart prepared by the Karnataka State Legal Services Authority is Rs.17,000/- but, the Tribunal has taken the notional income of the claimant at Rs.16,500/-. Compensation awarded towards 'pain and suffering', 'loss of amenities' and 'future medical expenses' is on lower side. With this, he prayed to allow the appeal.

8. Learned counsel for respondent No.1 – Insurer would contend that P.W.3 is not the treated Doctor. Disability stated by the Doctor has been rightly considered by the Tribunal and taken disability at 5%. Compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement of the compensation.



9. Having heard learned counsel for the parties, this Court has perused the judgment and award.

10. The accident occurred on 02.11.2024 and as on the date of accident claimant was aged 48 years. P.W.3 - Doctor has examined the claimant and has assessed the disability of loss of tooth by the claimant at 15%, alveolar fracture of maxilla at 8% and pain during chewing at 5% and total disability at 28%. Claimant has lost her teeth and it has affected her chewing of food. Considering the said evidence of P.W.3 - Doctor disability is to be taken at 10% as against 5% taken by the Tribunal.

11. The Tribunal has taken the notional income of the claimant at Rs.16,500/-. As per the chart prepared by the Karnataka State Legal Services Authority, notional income fixed for the year 2024 is Rs.17,000/- and the said notional income is to be taken. The Tribunal has rightly applied the multiplier 13 as the claimant was aged 48



years. Considering the above aspects loss of future income is calculated as under:

$$17,000 \times 12 \times 13 \times 10\% = \text{Rs.}2,65,200/-$$

12. Considering the injuries noted supra, the Tribunal has rightly awarded compensation towards 'pain and suffering' in a sum of Rs.60,000/- and 'loss of amenities' in a sum of Rs.30,000/-. Claimant was admitted in the hospital for 03 days and the compensation awarded towards 'attendant and conveyance charges' in a sum of Rs.4,500/- is just and proper. The Tribunal has rightly awarded medical expenses.

13. Considering the injuries sustained and occupation of the claimant that she was a beautician, the claimant is entitled to compensation towards 'loss of income during laid up period' in a sum of Rs.34,000/- (Rs.17,000 X 2 months) as against Rs.30,000/- as awarded by the Tribunal. The Tribunal has rightly awarded future medical expenses of Rs.20,000/-.



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

1	Pain and suffering	Rs.60,000.00
2	Medical expenses	Rs.1,41,863.00
3	Transportation, Nourishment, conveyance and attendant charges	Rs.4,500.00
4	Towards future medical expenses	Rs.20,000.00
5	Loss of income during laid up period	Rs.34,000.00
6	Towards loss of amenities of life	Rs.30,000.00
7	Loss of future income	Rs.2,65,200.00
	Total	Rs.5,55,563.00

15. Considering the above, the claimant is entitled to total compensation of Rs.5,55,563/- as against Rs.4,15,063/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,40,500/- with interest at the rate of 6% p.a. from date of petition till realization. Respondent No.1 – Insurer is liable to pay the said compensation with interest.



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16. In view of the above, the following;

ORDER

- a) Appeal is ***allowed in part.***
- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,40,500/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 1 – 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.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 12
Ct.sm