



CNR: KAHC010420042026

NC: 2026:KHC:46809
MFA No. 4597 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4597 OF 2026

(MV-I)

BETWEEN:

SMT. LAKSHMI
W/O RAGHUPATHI
AGED ABOUT 62 YEARS
R/AT No.133/1
VINAYAKANAGARA
KAMAKSHIPALYA
BENGALURU-560 079.

...APPELLANT

(BY SRI. JAGADEESH H T, ADVOCATE)

AND:



Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SRI RANGASWAMY M
S/O MAHALINGAPPA, MAJOR
R/AT No.4, OPPOSITE,
RTO 60 FEET ROAD,
SIR M.V. LAYOUT
BENGALURU- 46.
2. THE MANAGER,
UNIVERSAL SOMPO GENERAL
INSURANCE CO, LTD.,
OFFICE AT No.217/A,
3RD FLOOR, 3RD MAIN
OUTER RING ROAD



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KASTURI NAGARA
BENGALURU -43.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 02.07.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:06.04.2026 PASSED IN MVC No.7675/2024 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU (SCCH-16).

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 06.04.2026 passed in MVC No.7675/2024 by the X Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-16).

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 31.08.2024 contending that the accident occurred due to rash and negligent riding of the rider of motor cycle bearing Regn.No.KA-41-EY-1982. 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	Amount in (Rs.)
01.	Loss of future income	2,77,200/-
02.	Medical expenses	1,37,738/-
03.	Pain and suffering	60,000/-
04.	Attendant charges	6,000/-
05.	Food and nourishment	4,800/-
06.	Conveyance expenses	10,000/-
07.	Loss of income during treatment period	33,000/-
08.	Loss of amenities	40,000/-
09.	Future medical expenses	20,000/-
	Total	5,88,738/-

4. The Tribunal held that the claimant has contributed to the accident assessed the contributory negligence at 20% and awarded Rs.4,70,990/- (80% of



Rs.5,88,738/-) with interest @ 6% p.a. from the date of petition till realization and not awarded interest on future medical expenses of Rs.20,000/-. The claimant challenging the said contributory negligence attributed to the claimant and also 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 was aged 60 years as on the date of accident. The accident occurred while claimant was crossing the road in a junction. The charge sheet has been filed against rider of the motor cycle for rash and negligent driving. There are no tyre marks on the spot. Even though there is no zebra crossing in the junction, the pedestrians are allowed to cross the road at that place. Considering the said aspect, the contributory negligence attributed to the claimant by the Tribunal is not proper. The entire



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negligence is on the part of the rider of the motor cycle. He further submits that the notional income fixed by the Karnataka State Legal Services Authority for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by Tribunal. The Tribunal has rightly applied multiplier '7' since the age of claimant is 60 years. PW.2 is the Doctor who has examined the claimant has assessed her disability at 39% to the right arm, 42% disability to right lower limb and 39% disability to right upper limb and 25% disability to the whole body. The Tribunal has taken disability at 20% and it is on lower side and the disability is to be taken at 25% as stated by the Doctor. He further submits that the compensation awarded on other heads are just and proper and he is not seeking enhancement on those heads. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the claimant suddenly entered the road and accident has taken place at 5.30 p.m. The road



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on which the accident occurred is Bangalore – Magadi road with heavy traffic and there was no zebra crossing at the spot. Considering the said aspect, the Tribunal has rightly attributed the negligence of the injured claimant at 20%. He further submits that considering the evidence of Doctor and fractures sustained by the claimant, the Tribunal has rightly taken the disability at 20%. With this he prayed to dismiss the appeal.

8. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records. The following points arise for consideration:

- (i) Whether the Tribunal is justified in assessing the contributory negligence on the part of the appellant/claimant at 20%?
- (ii) Whether there are any grounds for enhancement of compensation?

Re-Point No.1

9. The accident occurred on 31.08.2024 at 5.30 p.m. The claimant was aged 60 years as on the date of



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accident. The accident occurred on Bangalore-Magadi road. The accident occurred at a junction. Ex.P4 is the sketch of spot of accident. As the accident has taken place at a junction and on perusal of Ex.P4 – sketch, injured was crossing the road at a junction. Even there was no zebra cross marks considering that it is a junction, the spot where the accident taken place is the way in which the pedestrians cross the road. The driver of the insured vehicle was entering the said junction not being careful. Therefore, the entire negligence is on the part of rider of motor cycle insured with respondent No.2. Therefore, the finding of the Tribunal that the claimant has contributed to the accident is not proper and the same is to be set-aside. Accordingly, point No.1 is answered.

Re-point No.2

10. The claimant is not seeking any enhancement in the compensation awarded on all heads except loss of future income. The notional income fixed for the year



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2024 by the Karnataka State Legal Services Authority is Rs.17,000/- p.m. and the same is to be taken as against Rs.16,500/- taken by the Tribunal. The multiplier applicable is '7' since the claimant is aged 60 years. The claimant has sustained right middle 1/3rd tibia shaft fracture, right olecranon + radial neck fracture. PW.2 is the Doctor who has examined the claimant and assessed her disability and stated that the claimant is having 39% disability to the right upper limb and 42% disability to right lower limb and 25% disability to the whole body. Considering the age of the claimant and fractures sustained by her, the Tribunal has rightly taken the disability at 20%. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.17,000} \times 12 \times 7 \times 20\% = \text{Rs.2,85,600/-}$$

11. The claimant is entitled to loss of future income at Rs.2,85,600/- as against Rs.2,77,200/- awarded by the Tribunal. Therefore, the claimant is entitled to enhanced



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compensation of Rs.8,400/-. Considering the above aspects, the claimant is entitled to total compensation assessed by the Tribunal in a sum of Rs.5,88,738/- and enhanced compensation of Rs.8,400/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to total compensation assessed by the Tribunal in a sum of Rs.5,88,738/- and enhanced compensation of Rs.8,400/- with interest @ 6% p.a. from the date of petition till realization.
- iii) The contributory negligence attributed to the appellant/claimant by the Tribunal is set-aside.



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- iv) Respondent No.2/insurer shall deposit the said compensation and enhanced compensation before the Tribunal within a period of six weeks from this day.
- v) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 8
Ct.sm