



CNR: KAHC010422302025

NC: 2026:KHC:44412
MFA No. 4853 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4853 OF 2025

(MV-I)

BETWEEN:

RAJA
S/O SANNEGOWDA
AGED ABOUT 49 YEARS
R/AT CHIKKALUVARA VILLAGE
KUSHALANAGARA
HOBLL, SOMWARPETE TALUK
KODAGU DISTRICT.
PRESENTLY R/AT,
RAJA, C/O CHIKKEGOWDA,
RAMANAKOPPALU VILLAGE,
RAMANATHAPURA HOBLL,
ARAKALAGUD TALUK,
HASSAN DISTRICT.

...APPELLANT

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

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE – V.C)

AND:

1. MOHAMED KALEEM
S/O LATE MOHAMED AMEER JHON
MAJOR, R/O MUSLIM BLOCK,
K.R NAGARA TOWN AND TA.
MYSURU DISTRICT.



CNR: KAHC010422302025

NC: 2026:KHC:44412
MFA No. 4853 of 2025

2. THE MANAGER
HDFC ERGO GENERAL INSURANCE CO. LTD.,
2ND FLOOR, MYSURU TRADE CENTER,
OPP. BUS STAND B N ROAD,
MYSURU – 570 001.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B C SHIVANNE GOWDA, ADVOCATE FOR R2
V/O DTD. 11.8.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.04.03.2025 PASSED IN MVC
NO.1252/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MEMBER, MACT, ARAKALAGUD, 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

This appeal is filed by the appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 04.03.2025 passed in MVC No.1252/2022 by
the Senior Civil Judge and Member, MACT, Arakalagud.

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



NC: 2026:KHC:44412
MFA No. 4853 of 2025

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 01.07.2022 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing Regn.No.KA-12/B-5606. 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.	Pain, shock and agony	30,000/-
02.	Medical expenses	1,96,800/-
03.	Food, diet, attendant, nourishment, conveyance and other incidental expenses	25,000/-
04.	Loss of income during treatment period	22,000/-
05.	Future medical expenses	35,000/-
06.	Loss of future income due to permanent disability	1,88,760/-
07.	Disappointment, discomfort and loss of amenities	20,000/-
	Total	5,17,560/-



4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the 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 occurred in the year 2022 and the notional income fixed for the said year is Rs.15,500/- p.m. by the Karnataka State Legal Services Authority and it is to be taken as against Rs.11,000/- taken by the Tribunal. He further submits that the Tribunal has rightly taken disability at 11% and applied multiplier '13'. Considering the injuries sustained, compensation awarded towards pain and suffering and loss of amenities requires to be enhanced. Considering the injuries sustained, the



CNR: KAHC010422302025

NC: 2026:KHC:44412
MFA No. 4853 of 2025

claimant has to take rest atleast for three months and therefore, he is entitled to loss of income during laid up period for three months. The compensation awarded for medical expenses, attendant charges, future medical expenses are just and proper. With this he prayed to allow the appeal.

7. Learned counsel for respondent would contend that 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 and award.

9. The accident occurred on 01.07.2022 and as on the date of accident the claimant was aged 46 years. The Tribunal has rightly taken multiplier '13'. The Tribunal considering the evidence of Doctor has rightly taken disability at 11%. As per the chart prepared by the Karnataka State Legal Services Authority, the notional



income fixed for the year 2022 is Rs.15,500/- and that is to be taken as against Rs.11,000/- taken by the Tribunal. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.15,500} \times 12 \times 13 \times 11\% = \text{Rs.2,65,980/-}$$

10. The claimant has sustained fracture of left femur and both bones fracture of left leg. Considering the said injuries, the compensation awarded towards pain and suffering in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.40,000/-.

11. The claimant was admitted in the hospital for 7 days and the Tribunal has awarded food, diet, attendant and conveyance charges in a sum of Rs.25,000/-. The Tribunal has rightly awarded loss of income during laid up period for two months. As now the income taken is Rs.15,500/-, loss of income during laid up period comes to



CNR: KAHC010422302025

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MFA No. 4853 of 2025

Rs.31,000/- (Rs.15,500 x 2 months). The Tribunal has rightly awarded medical expenses of Rs.35,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000/-
02.	Loss of amenities	40,000/-
03.	Medical expenses	1,96,800/-
04.	Attendant and conveyance charges	25,000/-
05.	Loss of income during laid up period	31,000/-
06.	Future medical expenses	35,000/-
07.	Loss of future income	2,65,980/-
	Total	6,53,780/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.6,53,780/- as against Rs.5,17,560/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,36,220/- 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.



CNR: KAHC010422302025

NC: 2026:KHC:44412
MFA No. 4853 of 2025

14. 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.1,36,220/- 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

DKB
List No.: 2 SI No.: 42
Ct.sm