



CNR: KAHC010423902026

NC: 2026:KHC:50797
MFA No. 4635 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4635 OF 2026

(MV-I)

BETWEEN:

SRI JAGANNATH ACHARI
S/O. SHEENA ACHARI
AGED ABOUT 67 YEARS
R/AT YALLAMPALLI
NEELAVARA VILLAGE AND POST
UDUPI TALUK AND DISTRICT - 576 213.

...APPELLANT

(BY SRI. NAGARAJA H R, ADVOCATE)

AND:

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

1. SRI CHANDRA POOJARI
S/O. KUSTA,
AGED ABOUT 55 YEARS
R/AT JANATHA COLONY
VARAHI ROAD
SIDDAPURA VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT -576 201.
2. THE NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE
KUNDAPURA-576 201.



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REP. BY ITS
BRANCH MANAGER.

...RESPONDENTS

(BY SRI. .,ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:03.06.2025 PASSED IN MVC No.308/2019 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, UDUPI (SITTING AT KUNDAPURA) .,PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 03.06.2025 passed in MVC No. 308/2019 by the Additional District Judge and Additional MACT, Udupi.

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on



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02.12.2018 due to the rash and negligent driving by the driver of car bearing registration No. KA-20-AA-4661. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of future income arising out of permanent disability	Rs.1,38,600/-
2	Loss of income during laid the period of treatment	Rs.90,000/-
3	Medical bill, conveyance, nutrition and attending charges	Rs.53,986/-
4	Loss of amenities	Rs.10,000/-
5	Pain and suffering	Rs.20,000/-
6	Future medical expenses	Rs.40,000/-
	Total	Rs.3,52,586/-

3. 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. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.



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4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

5. The accident occurred on 02.12.2018 and as on the date of accident, claimant was aged 62 years. Claimant is stated to be a Yakshagana artist. The Tribunal has rightly taken the income of the claimant at Rs.10,000/- per month and applied multiplier `7'. The claimant had sustained the following injuries:

- i. Open fracture of right tibia and fibula
- ii. Right foot drop

6. Considering the injuries sustained by the claimant, compensation awarded towards `pain and suffering' in a sum of Rs.20,000/- is enhanced to Rs.40,000/- and `loss of amenities' awarded in a sum of Rs.10,000/- is enhanced to Rs.30,000/-.

7. P.W.2 doctor who had examined the claimant and assessed the disability has stated that claimant is



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having permanent disability of 22% of right lower limb locomotor functions. The Tribunal has taken the functional disability at 11%.

8. Claimant is a Yakshagana artist. Considering his avocation, fracture sustained by him and the injuries, the functional disability is to be taken at 20% as against 11% taken by the Tribunal.

9. In view of the above, loss of future income is calculated as under:

$$15,000 \times 12 \times 7 \times 20\% = \text{Rs.}2,52,000/-$$

10. The Tribunal has rightly awarded 'loss of income during laid up period' for 6 months, medical expenses and future medical expenses.

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

1	Pain and suffering	Rs.40,000/-
2	Loss of amenities	Rs.30,000/-



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3	Loss of income during laid up period	Rs.90,000/-
4	Medical expenses	Rs.53,986/-
5	Future medical expenses	Rs.40,000/-
6	Loss of future income	Rs.2,52,000/-
	Total	Rs.5,05,986/-

12. The claimant is entitled to total compensation of Rs.5,05,986/- as against Rs.3,52,586/- awarded by the Tribunal with interest. Consequently the claimant is entitled to enhanced compensation of Rs.1,53,400/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest for the delay period of 270 days in filing the appeal as per order dated 17.09.2026 passed on I.A. No. 1/ 2026. Respondent No. 2 - Insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above the following;

ORDER

a) Appeal is allowed in part.



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- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,53,400/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant - Claimant is not entitled to interest for the delay period of 270 days.
- d) Respondent No. 2 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Appellant - claimant is entitled to release of entire enhanced compensation.

Learned counsel for respondent No.2 is permitted to file vakalath within a period of 10 days.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 17
Ct.sm