



CNR: KAHC010426502026

NC: 2026:KHC:50691
MFA No. 4660 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. 4660 OF 2026
(MV-I)

BETWEEN:

SRI. SYED BASHEER AHMED
S/O SYED ISMAIL,
AGED ABOUT 65 YEARS,
R/AT KATTIGANAHALLI, HOSAKOTE TALUK,
BENGALURU RURAL DISTRICT.

...APPELLANT

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

AND:

1. SADIQ PASHA
S/O ABDUL RAZAK,
AGED ABOUT 35 YEARS,
GANIGARAPET,
HOSAKOTE TALUK,
BENGALURU - 562 114.

2. MOHAMMED ARFATH
AGED ABOUT 35 YEARS,
NO.40, 6TH CROSS,
1ST MAIN, BM.LAYOUT,
VENKATESHPURAM,
BENGALURU - 560 045.

3. M/S.TATA AIG GIC LTD.
BY ITS MANAGER,
NO.69, JP AND DEVI,

Digitally signed
by
PADMAASHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA



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JAMBUKESHWARA ARCADE,
3RD FLOOR, MILLERS ROAD,
BENGALURU - 560 052.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R3;
VIDE ORDER DATED 02.07.2026, NOTICE TO R1 & R2 IS
DISEPNSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 30/01/2026 PASSED IN MVC
NO.2349/2024 ON THE FILE OF THE V ADDITIONAL SMALL
CAUSES JUDGE, COURT OF SMALL CAUSES, MAYO HALL UNIT
BANGALORE (SCCH-20), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL COMING ON FOR ORDERS THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL/CAV JUDGMENT

This appeal is filed by the claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 30.01.2026 passed in MVC
No.2349/2024 by V Additional Small Causes Judge and



XXIV ACJM and MACT, Mayo Hall Unit, Bengaluru (SCCH-20).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellant and learned counsel for respondent No.3/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 17.12.2023 contending that the accident occurred due to rash and negligent driving by the driver of Scooter bearing registration No.KA-53-HF-7691.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Towards medical expenses, attendant charges, transportation, nourishing food	Rs. 1,09,000/-
2.	Loss of income during the laid up period	Rs. 8,000/-
3.	Loss of income on account of permanent disability	Rs. 1,74,720/-
4.	Pain and sufferings	Rs. 20,000/-
5.	Loss of amenities	Rs. 10,000/-
	Total	Rs. 3,21,720/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.3/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.3/insurer.

7. The accident occurred on 17.12.2023 and as on the date of accident, the claimant was aged sixty three (63) years. Considering the said age, the Tribunal has



rightly applied multiplier '7'. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. The claimant has not challenged the disability taken by the Tribunal. The Tribunal has taken functional disability at 13% based on the evidence of Doctor- P.W.3. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 7 \times 13\% = \text{Rs.1,77,450/-}.$$

8. The appellant/claimant has sustained fracture of right femur and considering the same, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- requires to be enhanced to Rs.30,000/-, loss of amenities awarded in a sum of Rs.10,000/- requires to be enhanced to Rs.25,000/-. Considering the age of the claimant and injury sustained, the claimant has to take rest atleast for two (02) months and therefore, he is entitled to loss of income during laid



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up period in a sum of Rs.32,500/- (Rs.16,250/- X 02 months) as against Rs.8,000/- awarded by the Tribunal. The Tribunal has rightly awarded the compensation towards medical expenses, attendant charges, transportation and nourishing food in a sum of Rs.1,09,000/-.

9. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Towards medical expenses, attendant charges, transportation, nourishing food	Rs. 1,09,000/-
2.	Loss of income during laid up period	Rs. 32,500/-
3.	Loss of future income	Rs. 1,77,450/-
4.	Pain and sufferings	Rs. 30,000/-
5.	Loss of amenities	Rs. 25,000/-
	Total	Rs. 3,73,950/-



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10. The claimant is entitled to total compensation of Rs.3,73,950/- as against Rs.3,21,720/- awarded by the Tribunal with interest.

11. Consequently, the claimant is entitled to enhanced compensation of Rs.52,230/- (Rs.3,73,950/- - Rs.3,21,720/-) with interest at the rate of 6% per annum from the date of petition till realisation.

12. Respondent No.3/insurer is liable to pay the said enhanced compensation amount with interest.

13. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.52,230/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.3/insurer shall deposit the enhanced compensation amount with*



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*interest before the Tribunal within a period
of six weeks from this day.*

*iv) The appellant/claimant is entitled to release
of entire enhanced compensation with
interest.*

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

KLV
List No.: 1 Sl No.: 18