



CNR: KAHC010428592025

NC: 2026:KHC:50796  
MFA No. 4908 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 4908 OF 2025**

**(MV-I)**

**BETWEEN:**

NITHYASHREE G S  
D/O SHIVAKUMAR G.P  
AGED ABOUT 10 YEARS  
R/AT GONDENAHALLI  
BINDIGANAVILE HOBLI  
NAGAMANGALA TALUK  
MANDYA DISTRICT.

SINCE MINOR REPT,  
BY FATHER AND NATURAL GUARDIAN  
SHIVAKUMAR.G.P  
S/O PUTTACHARI  
AGED ABOUT 40 YEARS  
RESIDING AT THE ABOVE ADDRESS.

Digitally signed  
by  
  
PADMASHREE  
SHEKHAR  
DESAI

...APPELLANT

Location: HIGH (BY SRI K V NAIK, ADVOCATE)  
COURT OF  
KARNATAKA

**AND:**

1. ANIL KUMAR H S  
S/O SHANKARA H.B  
MAJOR,  
R/AT HADENAHALLI VILLAGE  
LALANAKERE  
BINDIGANAVILE HOBLI



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NAGAMANGALA TALUK  
MANDYA DISTRICT.

(RC OWNER OF HERO HONDA  
SPLENDOR MOTOR CYCLE BEARING  
REG. NO. KA-44-E-5278).

2. THE MANAGER  
CHOLAMANDALAM M.S GENL.,  
INSURANCE CO., LTD.,  
UNIT-IV,  
9<sup>TH</sup> FLOOR, LEVEL 0-06  
GOLDEN HEIGHTS COMPLEX,  
59<sup>TH</sup> C CROSS,  
INDUSTRIAL SUBURB  
RAJAJINAGAR 4<sup>TH</sup> M BLOCK  
BENGALURU-560 010.

(HERO HONDA  
SPLENDOR MOTOR CYCLE  
BEARING REG. No. KA-44-E-5278)

POLICY @ 3372/60399542/000/00  
VALID FROM 03/04/2023 TO 02/04/2024.

...RESPONDENTS

(BY SRI MALLIKRJUNA REDDY N A, ADVOCATE FOR  
SRI B PRADEEP, ADVOCATE FOR R2  
V/O DTD. 7.7.2025, NOTICE TO R1 I DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:03.02.2025  
PASSED IN MVC No.5338/2023 ON THE FILE OF THE XXII  
ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU  
SCCH-24, 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:



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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 03.02.2025 passed in MVC No. 5338/2023 by the XXII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-24).

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 15.07.2023 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-44-E-5278. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

| Sl. No. | Heads                                                                              | Amount        |
|---------|------------------------------------------------------------------------------------|---------------|
| 1.      | Towards pain and sufferings already under one and to be suffered in future, mental | Rs.1,00,000/- |



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|    |                                                                                                     |               |
|----|-----------------------------------------------------------------------------------------------------|---------------|
|    | and physical shock, hardship inconvenience on account of permanent disability                       |               |
| 2. | Medical expenses                                                                                    | Rs.5,871/-    |
| 3. | Discomfort, inconvenience, and loss of earnings to the parents during the period of hospitalization | Rs.50,000/-   |
| 4. | Incidental Expenses                                                                                 | Rs.20,000/-   |
|    | Total                                                                                               | Rs.1,75,871/- |

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.

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

5. The accident occurred on 15.07.2023 and as on the date of the accident appellant was aged 8 years. The Tribunal awarded compensation relying upon the judgment of the Hon'ble Apex Court in the case of **Master**



***Mallikarjuna Vs. Divisional Manager, National Insurance Company.*** Learned counsel for appellant placed reliance on the judgment of the Hon'ble Apex Court in the case of ***Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari and another, 2025 INSC 1070.*** As per the said decision of the Hon'ble Apex Court in case of injury to a child, income of the child is to be taken equivalent to the minimum wages of a skilled labour, apply multiplier and to take disability sustained. Learned counsel for appellant placed on record notification dated 13.01.2023 wherein minimum wages for skilled worker of Zone-4 is Rs.14,052.98. The claimant resides in a place which comes under Zone-4. Therefore, income of the claimant is to be taken at Rs.14,053/- per month. Claimant is aged 8 years and therefore, multiplier applicable is `15'.

6. P.W.2 is the Doctor who examined the claimant and assessed the disability and stated that claimant is having 40% disability to the left lower limb and 13% to



the whole body. Considering the said evidence of the Doctor, disability to the whole body is to be taken at 13%.

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

$$14,053 \times 12 \times 15 \times 13\% = \text{Rs.}3,28,840/-$$

8. Claimant had sustained fracture of tibia and fibula. Considering the said injuries, claimant is entitled to a sum of Rs.50,000/- towards 'pain and suffering' and a sum of Rs.40,000/- towards 'loss of amenities'.

9. Considering the injuries sustained, claimant had to take rest at-least for 2 months and one of the parents had to take care of the claimant. Therefore, claimant is entitled loss of income during laid up period to the parent in a sum of Rs.28,000/- (Rs.14,000 X 2 months).

10. Claimant had spent a sum of Rs.5,871/- towards medical expenses and the same requires to be awarded.



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11. Claimant was admitted in the hospital for 6 days and therefore, entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.6,000/- (Rs.1,000 X 6 days).

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

| Sl. No. | Heads                                                | Amount               |
|---------|------------------------------------------------------|----------------------|
| 1.      | Pain and suffering                                   | Rs.50,000.00         |
| 2.      | Loss of amenities                                    | Rs.40,000.00         |
| 3.      | Loss of income during laid-up period of parents      | Rs.28,000.00         |
| 4.      | Loss of future income                                | Rs.3,28,840.00       |
| 5.      | Medical expenses                                     | Rs.5,871.00          |
| 6.      | Attendant, conveyances, food and nourishment charges | Rs.6,000.00          |
|         | <b>Total</b>                                         | <b>Rs.4,58,711/-</b> |

13. Considering the above aspects claimant is entitled to total compensation of Rs.4,58,711/- as against Rs.1,75,871/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,82,840/-. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.



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14. In view of the above, the following;

**ORDER**

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,82,840/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Enhanced compensation shall be kept in Fixed Deposit in the name of appellant - claimant - minor till she attains majority in Karnataka Bank, City Civil Court Branch, Bengaluru.

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

LRS  
List No.: 1 Sl No.: 41  
Ct.sm