



CNR: KAHC010433292025

NC: 2026:KHC:45072
MFA No. 4976 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4976 OF 2025

(MV-I)

BETWEEN:

SRI ASHOK KUMAR B V
S/O BELLAPPA
AGED ABOUT 44 YEARS
RESIDING AT VADAGUR
KEMBODI KOLAR DISTRICT-563 101.

...APPELLANT

(BY SRI BHOJARAJA, ADVOCATE FOR
SRI BHAGEERATHI L, ADVOCATE)

AND:

1. SRI RAJESH A
S/O ANANDHA REDDY
AGED ABOUT 48 YEARS
RESIDING AT MARADAGATTA VILLAGE
JAKKARASANA KUPPA POST
BANGARPET TALUK
KOLAR DISTRICT-563 101.
2. THE CHOLA MS GENERAL INSURANCE
CO. LTD., UNIT 4
9TH FLOOR, GOLDEN HEIGHTS
59TH 'C' CROSS INDUSTRIAL SUBURB
4TH 'M' BLOCK, RAJAJINAGAR
BENGALURU-560 010.

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



NC: 2026:KHC:45072
MFA No. 4976 of 2025

CNR: KAHC010433292025

REPRESENTED BY ITS
BRANCH MANAGER.

3. SMT. SHOBHA
D/O ANKAPPA
RESIDING AT No.E-458
BELTHUR COLONY KANAMANGALA
BENGALURU URBAN KODUGODI S O
BENGALURU-560 067.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 12.11.2025, NOTICE TO R1 & R3 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:10.01.2025
PASSED IN MVC No.5476/2021 ON THE FILE OF THE XIV
ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER,
MACT, BENGALURU (SCCH-10), 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

This appeal is filed by the appellant -claimant seeking
enhancement of compensation awarded in judgment and
award dated 10.01.2025 passed in MVC No.5476/2021 by
the XIV Additional Small Causes Judge and MACT,
Bengaluru (SCCH-10).



NC: 2026:KHC:45072
MFA No. 4976 of 2025

CNR: KAHC010433292025

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 05.01.2021 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-53/5926. 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.	Medical expenses	Rs.3,500/-
02.	Pain and sufferings	Rs.25,000/-
03.	Nourishment and diet food	Rs.10,000/-
04.	Loss of Future earning capacity due to permanent disability	Rs.4,05,000/-
05.	Loss of amenities	Rs.20,000/-
06.	Future Medical Expenses	Rs.20,000/-
	Total	Rs.4,83,500/-

4. The Tribunal also awarded interest at the rate of 6% p.a. from the date of petition till realization and directed the respondent No.2 -insurer to deposit the award



NC: 2026:KHC:45072
MFA No. 4976 of 2025

CNR: KAHC010433292025

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.

6. Learned counsel for appellant would contend that the claimant has sustained 02 fractures and 01 simple injury. P.W.3 –doctor who has examined the claimant has assessed his disability at 40% to the left lower limb, 35% to the right upper limb and 23% to the whole body. But The Tribunal has taken disability only at 15%. The claimant was coolie. Considering the same, the disability is to be taken to the whole body as stated by the doctor at 23%. As the disability is more than 20%, the claimant is entitled to future prospects at 25%. The Tribunal has rightly applied multiplier '15'. Considering the injuries sustained by the claimant, the compensation awarded for pain and suffering and loss of amenities are on lower side. The claimant has been admitted in hospital for 11 days



CNR: KAHC010433292025

and compensation awarded towards attendant and conveyance charges are not awarded. The Tribunal has not awarded loss of income during laid up period. With these, he prays to allow the appeal.

7. Learned counsel for respondent No.2 –insurer would contend that the doctor has stated fracture are united and therefore, disability taken by the Tribunal is just and proper. 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, award and trial Court records.

9. The claimant has sustained following injuries as per Ex.P8 –wound certificate:

1. Right wrist swelling, tenderness
2. Abrasion –forehead
3. Laceration -1cm upper lip
4. Left knee- swelling, tenderness and x-ray of left knee shows fracture patella.



CNR: KAHC010433292025

P.W.3 is the doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 40% disability to left lower limb , 35% to right lower limb and total body disability at 23%. Considering the said evidence of the doctor and the occupation of the claimant as coolie, the disability to the who body is to be taken at 23% as against 15% as taken by the Tribunal. As the disability is taken at 23%, the claimant is entitled to future prospects at 25%. The Tribunal has rightly applied multiplier '15' since the age of the claimant is 40 years. In view of the above, loss of future income is calculated as under

$$\text{Rs.15,000/-} + 25\% (\text{Rs.3,750/-}) = \text{Rs.18,750/-} \times 12 \\ \times 15 \times 23\% = \text{Rs.7,76,250/-}$$

10. Considering the injuries sustained by the claimant noted supra, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.25,000/- requires to be enhanced to Rs.70,000/- and loss of



CNR: KAHC010433292025

amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.50,000/-. The Tribunal has rightly awarded medical expenses. The claimant has been admitted in hospital for 11 days and therefore, he is entitled to a sum of Rs.11,000/- (Rs.1,000/- x11) towards attendant and conveyance charges, food and nourishment etc., as against Rs.10,000/- as awarded by the Tribunal towards food and nourishment. The Tribunal has not awarded loss of income during laid-up period. Considering the injuries sustained and the occupation of the claimant as coolie, the claimant has to take rest at least for 03 months. Therefore, he is entitled to loss of income during laid-up period for 03 months in sum of Rs.45,000/- (Rs.15,500/-x3). The doctor has stated that the claimant has to under go surgery for removal of implants and cost of the same is Rs.60,000/-. Considering the said aspect, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.20,000/- as awarded by the tribunal.



NC: 2026:KHC:45072
MFA No. 4976 of 2025

CNR: KAHC010433292025

11. 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	70,000/-
02.	Loss of amenities	50,000/-
03.	Medical expenses	3,500/-
04.	Attendant and conveyance, food, nourishment etc.,	11,000/-
05.	Future medical expenses	30,000/-
06.	Loss of income during laid up period	45,000/-
07.	Loss of future income	7,76,250/-
Total		9,85,750/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.9,85,750/- as against Rs.4,83,500/- with interest at the rate of 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.5,02,250/- with interest at the rate of 6% p.a. from the date of petition till realization. Respondent No.1 –insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:



NC: 2026:KHC:45072
MFA No. 4976 of 2025

CNR: KAHC010433292025

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.5,02,250/- with interest at the rate of 6% p.a. from the date of petition till realization.
- iii) Respondent No.1 -insurer shall deposit the enhanced compensation with 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.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 11
Ct.sm