



CNR: KAHC010436162025

NC: 2026:KHC:47686  
MFA No. 5007 of 2025

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

**DATED THIS THE 2<sup>ND</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

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

**MISCELLANEOUS FIRST APPEAL No. 5007 OF 2025**

**(MV-I)**

**BETWEEN:**

SRI N RAMAMURTHY  
S/O A B NARAYANAPPA  
AGED ABOUT 63 YEARS  
R/AT No.7  
POLICE RANGAIAH LAYOUT  
ATTIBELE, ANEKAL  
BENGALURU-562 107.

...APPELLANT

(BY SRI JAGADEESH H T, ADVOCATE)

**AND:**

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

1. SRI S M VENKATAPPA  
S/O LATE MUNILINGAPPA  
MAJOR  
R/AT No.37, SAMPIGEHALLI  
NATIONAL PARK ROAD  
BANNERGHATTA POST  
ANEKAL  
BANGALORE-560 083.
2. THE MANAGER  
UNITED INDIA INSURANCE CO. LTD.,  
REGIONAL OFFICE  
KRISHI BHAVANA



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6<sup>TH</sup> AND, 7<sup>TH</sup> FLOOR  
NRUPATHUNGA ROAD  
BENGALURU-01.

...RESPONDENTS

(BY SMT. HARINI SHIVANAND, ADVOCATE FOR R2  
V/O DTD. 10.07.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:14.02.2025  
PASSED IN MVC No.6437/2022 ON THE FILE OF THE IX  
ADDITIONAL SMALL CAUSES JUDGE AND ACJM, COURT OF  
SMALL CAUSES, BENGALURU, (SCCH-7), 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 14.02.2025 passed in MVC No.6437/2022 by  
the IX Additional Small Causes Judge, Court of Small  
Causes, Member, MACT-7, Bengaluru (SCCH-7).

2. The appellant made a claim petition praying to  
award compensation for the injuries sustained by him in a



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road traffic accident occurred on 21.09.2022 contending that the accident occurred due to rash and negligent driving of the driver of Maruti Suzuki Alto Car bearing Regn.No.KA-51-MA-1306. 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.    | Loss of future income due to disability | 6,37,200/-         |
| 02.    | Pain and suffering, mental agony        | 1,00,000/-         |
| 03.    | Special diet and conveyance             | 1,80,000/-         |
| 04.    | Loss of amenities                       | 1,00,000/-         |
| 05.    | Loss of income during laid up period    | 1,77,000/-         |
| 06.    | Actual medical expenses                 | 20,89,999/-        |
|        | <b>Total</b>                            | <b>32,84,190/-</b> |

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.



4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. Learned counsel for appellant would contend that that the claimant had sustained head injury and fracture of midline occipital bone and left parietal bone left 4<sup>th</sup> and 5<sup>th</sup> ribs and left scapula and was admitted in the hospital for 60 days. PW.2-Doctor has stated that the claimant is having disability of 40% - 70% and disability taken by the Tribunal at 40% is on lower side. The claimant is having driving license to drive transport vehicle. Considering the same, the functional disability is to be taken. The notional income fixed for the year 2022 is Rs.15,500/-p.m. and since the claimant is the driver holding driving license to drive transport vehicle, higher income than the notional income is to be taken. The Tribunal has not added future prospects and considering the age of the claimant, 10% future prospects are to be added. He further submits that compensation awarded under other heads by the Tribunal are just and proper and he is not seeking any



enhancement in that regard. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2/insurer would contend that the income taken by the Tribunal is just and proper and so also the disability. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

7. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records.

8. The accident occurred on 21.09.2022 and as on the date of accident, the claimant was aged 59 years. Ex.P12, copy of the driving license of the claimant indicate that he is having driving license to drive transport vehicle. The notional income fixed for the year 2022 is Rs.15,500/-. Considering the fact that the claimant is having driving license to drive the transport vehicle, the income is to be taken higher than the chart income.



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Therefore, the income of the claimant is taken at Rs.17,000/- p.m.

9. PW.2 is the Doctor and he has stated that the claimant is having 40 - 70% disability. Considering the fact that the claimant has sustained head injury, fracture of midline occipital bone left parital bone left 4<sup>th</sup> and 5<sup>th</sup> ribs, the functional disability is to be taken. The functional disability is taken at 50% as against 40% taken by the Tribunal. The Tribunal has not added future prospects. Considering the age of claimant as 59 years, the future prospects are required to be added at 10%, multiplier applicable is '9'. In view of the above, loss of dependency is calculated as under:

$$\text{Rs.}17,000 + 1,700(10\%) = 18,700 \times 12 \times 9 \times 50\% = 10,09,800/-$$

10. Consequently, the claimant is entitled to enhanced compensation of Rs.3,72,600/-(Rs.10,09,800-6,37,200/-) with interest @ 6% p.a. from the date of



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petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. 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.3,72,600/- 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/claimant is entitled to release of entire enhanced compensation.

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

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