



CNR: KAHC010437112026

NC: 2026:KHC:52353
MFA No. 4789 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4789 OF 2026

(MV-I)

BETWEEN:

SHRI SANTHOSH @ SANTHOSH
SANGAPPA MANNERI
S/O SANGAPPA MANNERI
NOW AGED ABOUT 27 YEARS
RESIDING AT:
No. 84, WARD No.1
JAGIR GADADUR, KOPPAL
KARNATAKA -584 166.

...APPELLANT

(BY SRI B CHANDRASHEKARAIHAH, ADVOCATE FOR
SRI GIRI MALLAIAH, ADVOCATE)



AND:

1. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
3RD FLOOR, K.V.V.SAMRAT
No. 217,/A, 3RD MAIN ROAD
OUTER RING ROAD
KASTHURINAGAR
BENGALURU-560 043.
BY ITS MANAGER.
2. SHRI DHANARAJU T S
S/O SIDDAPPA

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RESIDING AT THIGALARAPALYA
B .D. PURA, HOLAVANAHALLI
KORATAGERE TALUK
TUMKUR DISTRICT - 572 121.

...RESPONDENTS

(BY SRI. D VIJAYA KUMAR, ADVOCATE FOR R1 – V.C
V/O DTD. 6.7.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:11.03.2026
PASSED IN MVC No.8627/2024 ON THE FILE OF THE III
ADDITIONAL JUDGE MEMBER MACT, COURT OF SMALL
CAUSES, BENGALURU, SCCH-18, 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:

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 11.03.2026 passed in MVC
No.8627/2024 by III Additional Judge, Court of Small
Causes and MACT, Bengaluru –(SCCH-18).

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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.1 –Insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 19.10.2024 contending that the accident occurred due to rash and negligent driving of the driver of Tractor bearing registration No.KA-06/TC-7399/7400. 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.	Towards Pain and Suffering	60,000/-
02.	Towards Medical Expenses	69,182/-
03.	Towards attendant, nourishment and conveyance chanregs	25,000/-
04.	Towards loss of amenities	40,000/-
05.	Towards loss of future income due to disability	6,05,880/-
06.	Towards loss of Income during laid up period	49,500/-

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07.	Future Medical Expenses	40,000/-
Total		8,89,562/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -insurer to deposit the award 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 No.1 -insurer.

6. The accident occurred on 19.10.2024. The claimant contended that he was aged 25 years as on the date of accident. Ex.P14 is Adhar card and considering the date of birth mentioned in it i.e., 12.04.1999, the completed age of the claimant is 25 years 06 months 07 days and same has also been noted by the Tribunal in para No.33 of the Judgment. As per decision of the Hon'ble Apex Court in the case of ***Samsun Bee and Others Vs***

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United India Insurance Co.Ltd and Others¹ the age is to be taken for ascertaining the multiplier. Therefore, the age of the claimant is 25 years and the multiplier applicable is '18'. The notional income fixed for the year 2024 is Rs.17,000/- by Karnataka State Legal Services Authority and the said income is to be taken as against Rs.16,500/- as taken by the Tribunal.

7. The claimant has sustained the following injuries:

- i) abrasion over right shoulder with swelling and tenderness over right hand
- ii) swelling and tenderness with crepitus over left shoulder area on clavicle bone
- iii) swelling and tenderness over right hip
- iv) swelling and tenderness right nacle
- v) X-ray right shoulder showed fracture humerus fracture
- vi) X-ray left shoulder showed fracture clavicle
- vii) R-ray right hind showed trochanteric fracture femur

¹ In 2026 ACJ 532



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viii) X-ray right ankle showed fracture medical malleolus.

Considering the said injuries, the claimant has sustained five fractures and the compensation awarded towards pain and suffering by the Tribunal in sum of Rs.60,000/- is enhanced to Rs.1,20,000/- and loss of amenities awarded in sum of Rs.40,000/- is enhanced to Rs.1,00,000/-. Considering the said injuries and that the claimant has been admitted in hospital for 20 days and his avocation as agriculturist, he has to take rest at least for 06 months. Therefore, he is entitled to loss of income during laid up period in a sum of Rs.1,02,000/- (Rs.17,000/- x6) as against Rs.49,500/- as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.69,182/- and attendant and conveyance charges of Rs.25,000/-.

8. P.W.2 is doctor and he has stated that the claimant requires surgery for removal of implant of right

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femur and humerus from right ankle and left clavicle. Considering the same, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.40,000/- is enhanced to Rs.60,000/-.

9. P.W.2 is a doctor who has examined the claimant's disability and stated that the claimant has sustained 50.73% disability to the right lower limb and 24.99% to the right upper limb. In cases of disability to the lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body and in cases of disability to the upper limb, $\frac{1}{4}^{\text{th}}$ of the same is to be taken as disability to the whole body. Therefore, the disability to the lower limb is 16.91% ($\frac{1}{3}^{\text{rd}}$ of 50.73%) and disability to the upper limb is 6.24% ($\frac{1}{4}^{\text{th}}$ of 24.99%). Therefore, the total disability to the whole body is 23.15% (16.9% + 6.24%). Therefore, the disability is taken at 23%. Since the disability taken is more than 20%. The claimant is entitled to future prospectus at 40%. In view of the above,

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the loss of future income due to disability is calculated as under:

$$\text{Rs.17,000/-} + 40\% = \text{Rs.23,800/-} \times 12 \times 18 \times 23\% \\ = \text{Rs.11,82,384/-}.$$

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,20,000/-
02.	Towards Medical Expenses	69,182/-
03.	Towards attendant, nourishment and conveyance charges	25,000/-
04.	Towards loss of amenities	1,00,000/-
05.	Towards loss of future income due to disability	11,82,384/-
06.	Towards loss of Income during laid up period	1,02,000/-
07.	Future Medical Expenses	60,000/-
Total		16,58,566/-

The claimant is entitled to total compensation of Rs.16,58,566/- as against Rs.8,89,562/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation amount of

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Rs.7,69,004/-. The appellant –claimant is entitled to interest only on enhanced compensation of Rs.7,49,004/- (Rs.7,69,004/- less Rs.20,000/-) at the rate of 6% per annum from the date of petition till realisation. The claimant is not entitled to interest on future medical expenses. Respondent No.1 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.7,69,004/-.
- iii) The appellant –claimant is entitled to interest only on enhanced compensation of Rs.7,49,004/- (Rs.7,69,004/- less Rs.20,000/-) at the rate of 6% per annum from the date of petition till realisation.
- iv) The Claimant is not entitled to interest on future medical expenses.

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- v) Respondent No.1 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- vi) The appellant -claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 SI No.: 33
Ct.sm