



CNR: KAHC010437122026

NC: 2026:KHC:43313
MFA No. 4833 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4833 OF 2026 (MV-I)

BETWEEN:

SRI. BASAVARAJU
S/O SOMAIAH,
NOW AGED ABOUT 49 YEARS,
RESIDING AT BHOHALLI VILLAGE,
S.C. COLONY, MUTHATHI MAIN ROAD,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 126.

...APPELLANT

(BY SRI. GIRI MALLAIAH, ADVOCATE)

AND:

1. HDFC ERGO GENERAL
INSURANCE COMPANY LTD.,
NO. 32, GROUND FLOOR,
ACR TOWER, RESIDENCY ROAD,
OPP. TO SBI BANK,
ASHOK NAGAR,
BENGALURU - 560 025,
BY ITS MANAGER.
2. SRI. M.G. PRUTHVEESH
S/O M.H. GURUMURTHY,
MAJOR
(AGE OF R-2 NOT KNOWN TO APPELLANT)
NO.1864, SRILAKSHMI PIPELINE ROAD
2ND STAGE,
KUMARASWAMY LAYOUT,



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



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J.P. NAGAR,
BENGALURU - 560 078.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R1;
VIDE ORDER DATED 08.07.2026, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT. 25.04.2026 PASSED IN MVC NO.
9552/2024 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES
JUDGE AND ACJM AND MEMBER, MACT, BENGALURU (SCCH-
11), 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 claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 25.04.2026 passed in MVC



No.9552/2024 by I Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-11).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.1/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 18.12.2024 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-02-MR-2931.

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 injury pain and suffering	Rs. 50,000/-
2.	Towards food and extra nourishment and medical attendant	Rs. 2,000/-
3.	Towards conveyance	Rs. 10,000/-
4.	Towards loss of income during treatment	Rs. 20,000/-
5.	Towards loss of future earning	Rs. 1,28,700/-
6.	Deprivation of future amenities	Rs. 10,000/-
	Total	Rs. 2,20,700/-

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.1/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.1/insurer.

7. Learned counsel for the appellant would contend that, P.W.2 - Doctor has assessed the disability of



the claimant and stated that the claimant is having 31% disability to the left lower limb and the whole body disability is 10%. But the Tribunal has erred in taking disability of the claimant at 5%. The Tribunal has taken the notional income of Rs.16,500/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken. The compensation awarded for pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.1/insurer would contend that, the Tribunal considering that the fractures are united has rightly taken the disability at 5%. The compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.



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9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.1/insurer, the Court has perused the impugned Judgment, Award, evidence and deposition of P.W.2 which are made available by the learned counsel for appellant.

10. The accident occurred on 18.12.2024 and as on the date of accident, the claimant was aged forty eight (48) years. The claimant has sustained injuries for Left public rami fracture, left scapula fracture and left 5th rib fracture. The occupation of the claimant is gardener.

11. P.W.2 - Doctor has assessed the disability of the claimant and stated that the claimant is having disability at 31% to the left lower limb and disability to whole body at 10%. Therefore, the disability to be taken is 10% as against 5% taken by the Tribunal.

12. The Tribunal has taken the notional income at Rs.16,500/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional



income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken. The Tribunal has rightly applied multiplier '13' as the claimant is aged forty eight (48) years. In view of the same, loss of future income is calculated as under:

$$\text{Rs.17,000/-} \times 12 \times 13 \times 10\% = \text{Rs.2,65,200/-}$$

13. Considering the injuries sustained by the claimant noted *supra*, the compensation awarded for pain and sufferings in a sum of Rs.50,000/- requires to be enhanced to Rs.75,000/- and loss of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.40,000/-.

14. Considering the said injuries and occupation of the claimant, he has to take rest at least for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000/- X 3 months). The Tribunal has rightly awarded attendant, food, nourishment charges.



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

Sl. No.	Particulars	Amount
1.	Towards injury pain and suffering	Rs. 75,000/-
2.	Towards food and extra nourishment and medical attendant	Rs. 2,000/-
3.	Towards conveyance	Rs. 10,000/-
4.	Towards loss of income during treatment	Rs. 51,000/-
5.	Towards loss of future earning	Rs. 2,65,200/-
6.	Deprivation of future amenities	Rs. 40,000/-
	Total	Rs. 4,43,200/-

16. The claimant is entitled to total compensation of Rs.4,43,200/- as against Rs.2,20,700/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.



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17. Consequently, the claimant is entitled to enhanced compensation of Rs.2,22,500/-/- (Rs.4,43,200/- - Rs.2,20,700/-) with interest at the rate of 6% per annum from the date of petition till realisation.

18. Respondent No.1/insurer is liable to pay enhanced compensation amount with interest.

19. 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.2,22,500/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 63