



CNR: KAHC010438932026

NC: 2026:KHC:44410
MFA No. 4740 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4740 OF 2026

(MV-I)

BETWEEN:

SMT. RASHMI. V,
W/O. SHIVAPRASAD. K,
AGED ABOUT 28 YEARS,
RESIDING AT NO.392/1,
VARMA LAYOUT, MACHOHALLI COLONY,
DASANAPURA HOBLI,
BENGALURU NORTH
KARNATAKA – 560 091.

...APPELLANT

(BY SRI. SUDHARSHAN B N., ADVOCATE)

AND:

1. SRI. SHIVAPRASAD. K,
S/O. MALLIKARJUNA. K,
MAJOR, R/AT NO.392/1,
VARMA LAYOUT, MACHOHAILI COLONY,
DASANAPURA HOBLI,
BENGALURU NORTH M
KARNATAKA - 560 091.
2. THE REGIONAL MANAGER,
LIBERTY VIDEOCON GEN. INS. CO. LTD
OFFICE AT NO.1, ALYSSA 1ST FLOOR,
REAR PORTION, OLD NO.28, NEW NO.23

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



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RICHMOND ROAD,
BENGALURU - 560025.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 2.7.2026. NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.11.2024 PASSED IN MVC No.5118/2022 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 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 22.11.2024 passed in MVC No.5118/2022 by the XIV Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-10).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.2/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 02.08.2022 contending that the accident occurred due to rash and negligent driver of the rider of motor cycle bearing Regn.No.KA-02-KB-5401. 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	4,10,700/-
02.	Pain and sufferings	40,000/-
03.	Nourishment and diet food	10,000/-
04.	Loss of future earning capacity due to permanent disability	8,60,880/-
05.	Loss of amenities	30,000/-
06.	Future medical expenses	30,000/-
	Total	13,81,580/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed



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respondent No.2/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.2.

6. Learned counsel for appellant would contend that Tribunal while calculating monthly income of the deceased has taken only basic pay and has not taken the HRA. He further submits that in the gross salary only Rs.200/- professional tax is to be deducted. PW.3- Doctor stated that the claimant has 31% disability to the whole body and 62% of right lower limb and the Tribunal has taken the disability only at 20%. The Tribunal has deducted Rs.1,00,000/- in the medical expenses which got reimbursed by the claimant from the company and that cannot be deducted in view of the decision of the Hon'ble Apex Court in the case of **New India Assurance Company Limited v. Dolly Satish Gandhi and another**



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(2026 INSC 498). Considering the injuries sustained the compensation awarded by the Tribunal towards pain and suffering, loss of amenities requires to be enhanced. The claimant has been admitted in the hospital for 14 days and the Tribunal has not awarded attendant charges but has awarded only nourishment and diet food in a sum of Rs.10,000/-. The Doctor has stated that the claimant needs revision surgery for achieving union of fracture of femur which would cost around Rs.80,000/-. But the Tribunal has awarded only Rs.30,000/-. The Tribunal has not awarded loss of income during laid up period. The claimant has resigned the job due to the injuries sustained by her in the accident on 10.12.2022 as per Ex.P25. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



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8. Having heard the learned counsels, the Court has perused the judgment, award and certified copies of exhibits furnished by the learned counsel for the appellant.

9. The accident occurred on 02.08.2022 and the claimant was aged 28 years as on the date of accident and she was working as customer service assistant in Marks and Spencer Reliance India Pvt. Ltd. Ex.P16 are the salary slips. The pay slip for June 2022 indicates basic pay of the claimant is Rs.21,100/- and HRA is Rs.4,835/- and gross income is Rs.25,935/-. Out of this gross salary only Rs.200/- towards professional tax is to be deducted. Therefore, the monthly income of the claimant is to be taken at Rs.25,735/-. Since the claimant is aged 28 years, future prospects are to be taken at 40%. But the Tribunal has not added future prospects. The Tribunal has rightly applied multiplier '17'.

10. PW.3 is the Doctor who has assessed the disability of the claimant and stated that the claimant has



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sustained 62% disability to right lower limb and 31% to the whole body and the Tribunal has taken the disability at 20%. When there is disability of particular limb, the disability to the whole body is to be taken at 1/3rd. Therefore, the Tribunal has rightly taken disability to the whole body at 20%. Since the disability is taken at 20%, the claimant is entitled to future prospects at 40%. In view of the above, loss of future income is calculated as under:

$$\text{Rs.}25,735 \times 10,294 (40\%) = \text{Rs.}36,029/-$$

$$\text{Rs.}36,029 \times 12 \times 17 \times 20\% = \text{Rs.}14,69,983/-$$

11. The claimant has sustained the following injuries:

- (i) Grade II Lower 1/3rd fracture of right femur
- (ii) Grade II Communitied fracture of right proximal tibia with extension into the middle 1/3rd.

Considering the said injuries, the compensation awarded towards pain and suffering by the Tribunal in a sum of Rs.40,000/- requires to be enhanced to



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Rs.80,000/- and loss of amenities in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/-. The claimant has been admitted in the hospital for 14 days and therefore, she is entitled to attendant and conveyance charges in a sum of Rs.14,000/- (Rs.1000 x 14 days) as against Rs.10,000/- awarded by the Tribunal towards nourishment and diet food.

12. The total medical bill amount is Rs.5,10,662/- and the claimant has got reimbursement from her company in a sum of Rs.1,00,000/-. Considering the same, the Tribunal has awarded medical expenses of Rs.4,10,700/-. As per the decision of Hon'ble Apex Court in the case of New India Assurance Company Limited vs. Dolly Satish Gandhi and another (supra) any amount got reimbursement from any policy or from the company cannot be deducted. Therefore, the claimant is entitled to medical expenses of Rs.5,10,700/- as against Rs.4,10,700/- awarded by the Tribunal.



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13. PW.3 – Doctor has stated that the claimant needs revision surgery for achieving the union of fracture of femur and the same costs around Rs.80,000/-. Therefore, the claimant is entitled to future medical expenses of Rs.60,000/- as against Rs.30,000/- awarded by the Tribunal. The Tribunal has not awarded loss of income during laid up period. Considering the injuries sustained by the claimant, she has to take rest atleast for three months and therefore, a sum of Rs.77,205/- (Rs.25,735 x 3 months) is awarded towards loss of income during laid up period.

14. 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	80,000/-
02.	Loss of future income	14,69,983/-
03.	Loss of amenities	60,000/-
04.	Medical expenses	5,10,700/-
05.	Food, conveyance and attendant charges	14,000/-
06.	Future medical expenses	60,000/-
07.	Loss of income during laid up period	77,205/-
	Total	22,71,888/-



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15. Considering the above aspects, the claimant is entitled to total compensation of Rs.22,71,888/- as against Rs.13,81,580/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.8,90,308/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

16. 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.8,90,308/- 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



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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.: 2 Sl No.: 52
Ct.sm