



CNR: KAHC010441782026

NC: 2026:KHC:52886
MFA No. 4836 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4836 OF 2026

(MV-I)

BETWEEN:

RIYA KUMARI SHRIWASTAV
C/O. PRABHULAL SHRIWASTAV
NOW AGED ABOUT 25 YEARS
R/AT. SHAHNEWAZPUR
SARAN, BIHAR-841 424.
KARNATAKA.

...APPELLANT

(BY SRI N R RANGE GOWDA, ADVOCATE)

AND:

1. INTERCITY FLEET MANAGEMENT SOLUTIONS
REP. ITS MANAGER
R/AT. S N258, 14TH MAIN
7TH SECTOR BDA COMPLEX ROAD,
HSR LAYOUT
BANGALORE-560 102.
2. IFFCO TOKIO GENERAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER
SRI SHANTHI TOWERS
5TH FLOOR, 3RD MAIN

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





CNR: KAHC010441782026

NC: 2026:KHC:52886
MFA No. 4836 of 2026

EAST OF NGEF LAYOUT
KASTURI NAGAR
BANGALORE.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2
V/O DTD. 16.7.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:21.02.2026 PASSED IN MVC No.5823/2023 ON THE FILE OF THE VI ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACJM, MACT, BENGALURU SCCH-2 PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 21.02.2026 passed in MVC No. 5824/2023 by the VI Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-2).

2. Even though the appeal is listed for 'Admission' today, with the consent of the learned counsel appearing

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52886
MFA No. 4836 of 2026

for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 11.06.2023 due to the rash and negligent driving by the driver of bus bearing registration No. KA-51-AF-3043. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards loss of future income	Rs.1,72,800/-
2	Towards medical expenses	Rs.1,20,489/-
3	Towards pain and suffering	Rs.25,000/-
4	Towards loss of income during the laid up period	Rs.32,000/-
5	Food, nourishment and attendant charges	Rs.10,000/-
6	Loss of future amenities and happiness	Rs.15,000/-
7	Towards future medical expenses	Rs.20,000/-
	Total	Rs.3,95,289/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52886
MFA No. 4836 of 2026

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. Date of accident is 11.06.2023 and as on the date of accident claimant was aged 21 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `18'. The accident occurred in the year 2023 and the notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.16,250/-. Therefore, said income is to be taken as against Rs.16,000/- taken by the Tribunal.

7. Claimant had sustained open type 1 fracture right femur. Considering the said injury, compensation

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010441782026

NC: 2026:KHC:52886
MFA No. 4836 of 2026

awarded by the Tribunal towards pain and suffering in a sum of Rs.25,000/- is enhanced to Rs.40,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.30,000/-.

8. Claimant was admitted in the hospital for 5 days and considering the same the Tribunal has rightly awarded Rs.10,000/- towards food and nourishment and attendant charges.

9. P.W.6 – Doctor has stated that claimant has to undergo surgery for removal of implant and considering the same claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

10. The Tribunal has awarded loss of amenities for two months taking the income at Rs.16,000/-. As now income taken is Rs.16,250/-, claimant is entitled to loss of income during laid up period in a sum of Rs.32,500/- (Rs.16,250 X 2 months).

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52886
MFA No. 4836 of 2026

11. P.W.6 – is the Doctor who has examined the claimant and assessed the disability. The Doctor has stated that claimant is having disability to lower limb at 35% and whole body at 17% and the Tribunal has taken disability at 5%.

12. Learned counsel for respondent No.2 – Insurer would contend that the fractures are united and the Doctor is not the treated Doctor and considering the same the Tribunal has rightly taken the disability at 5%.

13. Considering the fractures sustained by the claimant and occupation of the claimant, functional disability is to be taken into consideration. The functional disability is taken at $\frac{1}{3}^{\text{rd}}$ of the disability to the lower limb, i.e, 35%. Therefore, functional disability is taken at 11.66% ($\frac{1}{3}^{\text{rd}}$ of 35%).

14. Considering the same loss of income due to disability is calculated as under:

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52886
MFA No. 4836 of 2026

$$16,250 \times 12 \times 18 \times 11.66\% = \text{Rs.}4,09,266/-$$

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

1	Pain and suffering	Rs.40,000/-
2	Loss of amenities	Rs.30,000/-
3	Medical expenses	Rs.1,20,489/-
4	Loss of income during laid up period	Rs.32,500/-
5	Attendant, conveyance charges etc.,	Rs.10,000/-
6	Future medical expenses	Rs.30,000/-
7	Loss of income due to disability	Rs.4,09,266/-
	Total	Rs.6,72,255

16. Considering the above aspects claimant is entitled to total compensation of Rs.6,72,255/- as against Rs.3,95,289/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,76,966/-. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

17. In view of the above, the following;

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010441782026

NC: 2026:KHC:52886
MFA No. 4836 of 2026

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,76,966/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.
- e) Appellant - claimant is not entitled interest on enhanced compensation towards future medical expenses in a sum of Rs.10,000/-.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 26
Ct.sm