



CNR: KAHC010441822026

NC: 2026:KHC:46637
MFA No. 4822 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4822 OF 2026

(MV-I)

BETWEEN:

SRI. D.S. CHANNABASAPPA
S/O SHIVALINGAPPA
AGED ABOUT 49 YEARS
R/AT No. 201, NEAR KRISHNA TEMPLE
CHOKKASANDRA, BENGALURU – 560 057.
PERMANENT RESIDENT OF
KANIVEHALLI VILLAGE, HOLALKERE TALUK
CHITRADURGA DISTRICT – 577 539.

...APPELLANT

(BY SRI JAGADISH GUNDAPPA, ADVOCATE)

AND:

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

1. M/s. IFFCO TOKIO GENERAL INS. CO.LTD
BY ITS MANAGER
No. 141, 4TH FLOOR
SRI SHANTHI TOWERS
3RD MAIN, OPP. CUPA COFFEE
EAST OF NGEF LAYOUT, KASTURI NAGAR
BENGALURU – 560 043.
2. ESAIR PASHA @ SAHEER PASHA E
S/O ESAK @ ESAK SAB
AGED MAJOR
R/O KALLENHALLI VILLAGE



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THYAGADAKATTE HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT – 577 549.

...RESPONDENTS

(BY SRI P S JAGADEESH, ADVOCATE FOR R1
V/O DTD. 24.07.2026 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:9.2.2026
PASSED IN MVC No.6213/2024 ON THE FILE OF THE XIV
ADDITIONAL SMALL CAUSES JUDGE AND ADDITIONAL CHIEF
JUDICIAL MAGISTRATE, BENGALURU (SCCH-10), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ORDERS 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 09.02.2026 passed in MVC No.6213/2024 by
the XIV Additional Small Causes Judge and Member,
MACT, Bengaluru (SCCH-10).

2. The appellant made a claim petition praying to
award compensation for the injuries sustained by him in a
road traffic accident occurred on 08.05.2024 contending



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that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-16-MA-1155. 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.)
I.	PECUNIARY DAMAGES (Special Damages)	
01.	Expenses relating to: a) To treatment, hospitalization, medicines b) nourishing food and miscellaneous expenditure	3,18,000/- 10,000/-
02.	Loss of dearning which the injured would have made had she not been injured comprising: a) Loss of earnings during period of treatment b) Loss of future earnings on account of permanent disability	60,000/- 6,24,000/-
II.	NON-PECUNIARY DAMAGES (General Damages)	
03.	Damages for pain, suffering and trauma as a consequence of the injuries	50,000/-
04.	Loss of amenities (and/or loss of prospects of marriage)	20,000/-
05.	Loss of expectation of life (shortening of normal	-



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	longevity)	
06.	Future medical expenses	30,000/-
	Total	11,12,000/-

3. The Tribunal also awarded interest @ 6% p.a. 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.

4. Heard learned counsel for the appellant and learned counsel for respondent No.1/insurer.

5. Learned counsel for appellant would contend that the claimant has sustained three fractures and considering the same, the compensation awarded towards pain and suffering and loss of amenities are on lower side. PW.3- Doctor who has examined the claimant assessed his disability and stated that disability to right upper limb at 39% and 30% to left lower limb and disability to the whole body at 26%. Therefore, the disability taken by the Tribunal at 20% is on lower side. Even though the



Tribunal has taken the disability at 20%, the Tribunal has not added future prospects. The Tribunal has rightly taken multiplier '13'. The claimant has been admitted in the hospital for 15 days and therefore, the compensation awarded towards attendant and conveyance charges, food nourishment etc is on lower side. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.1/insurer would contend that Tribunal has rightly taken the disability at 20%. 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 and award.

8. The claimant has sustained the following injuries:

- Closed right humerus fracture
- Closed left proximal tibia fracture
- Open tibia shaft fracture



9. Considering the said injuries, the compensation awarded towards pain and suffering requires to be enhanced from Rs.50,000/- to Rs.90,000/-, loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.60,000/-. The claimant has been admitted in the hospital for 15 days and therefore, he is entitled for attendant and conveyance charges etc., in a sum of Rs.15,000/- (Rs.1,000 x 15 days) as against Rs.10,000/- awarded by the Tribunal. The Tribunal has rightly awarded future medical expenses in a sum of Rs.30,000/-, loss of income during laid up period for three months in a sum of Rs.60,000/- and medical expenses of Rs.3,18,000/-.

10. PW.3 is the Doctor and he has examined the claimant and assessed his disability and has stated that the claimant is having 39% disability to right upper limb and 30% disability to left lower limb and total disability to the whole body is 26%. Whenever there is disability to the upper limb, $\frac{1}{4}^{\text{th}}$ of the same is to be taken to the



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whole body and if the disability is of lower limb, 1/3rd of the same is to be taken as disability to the whole body. Considering the same the Tribunal has taken disability at 20% and the same is just and proper. Even though the disability taken is 20%, the Tribunal has erred in not taking the future prospects. The claimant is aged 47 years and therefore, he is entitled to future prospects at 25%. The Tribunal has rightly applied multiplier '13'. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.20,000} + 5,000 (25\%) = \text{Rs.25,000/-}$$

$$\text{Rs.25,000} \times 12 \times 13 \times 20\% = \text{Rs.7,80,000/-}$$

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	7,80,000/-
02.	Pain and suffering	90,000/-
03.	Loss of amenities	60,000/-
04.	Future medical expenses	30,000/-
05.	Loss of income during laid up period	60,000/-



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06.	Conveyance and attendant charges	15,000/-
07.	Medical expense	3,18,000/-
	Total	13,53,000/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.13,53,000/- as against Rs.11,12,000/- 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.2,41,000/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

13. 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.2,41,000/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 6
Ct.sm