



CNR: KAHC010443422025

NC: 2026:KHC:41717
MFA No. 5065 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5065 OF 2025

(MV-I)

BETWEEN:

MR RAJU
S/O SHIVANNA, 60 YEARS
PRESENTLY RESIDING AT
No. 62, JUBILANT LAYOUT
NEAR WATER TANK
NANJANGUD TOWN
PERMANENTLY RESIDING AT No.122
RAMASAMUDRA VIBHAGA -5
CHAMARAJANAGAR TOWN AND
DISTRICT- 571 313.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SMT. B N MANJULA, ADVOCATE FOR
SRI NAGARAJA R C, ADVOCATE)

AND:

1. MR RAMASWAMY
S/O RAMU, 26 YEARS
R/A RAMPURA VILLAGE
CHATHRA HOBLI
NANJANGUD TALUK PIN-571 301.
2. MR. PRASHANTH RAJE URS K.L.
S/O LINGARAJE URS
40 YEARS, R/A No.448



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4/2ND CROSS, E AND F BLOCK
RAMAKRISHNANAGARA
MYSURU – 570 001.

3. THE UNITED INDIA INS.CO. LTD.,
1ST FLOOR, NEAR BALLAL CIRCLE
MYSURU – 570 001.
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R3
R1-RAMASWAMY SERVED, V/O DTD. 17.06.2026,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:29.01.2024
PASSED IN MVC No.954/2017 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC, MACT, NANJANGUD, 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

1. This appeal is filed by the claimants seeking
enhancement of compensation awarded in the judgment
and award dated 29.01.2024 passed in MVC No. 954/2017
by the Senior Civil Judge and Member, MACT, Nanjanjud.



2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondent No. 3 – 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 03.03.2017 due to the rash and negligent driving by the driver of car bearing registration No. KA-09-C-3966. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Pain and Suffering	Rs.70,000
Medical expenses	Rs.57,118
Incidental expenses	Rs.13,000
Future medical expenses	Rs.10,000
Loss of amenities or expectation of life	Rs.10,000
Conveyance	Rs.5,000
Total	Rs.1,65,118/-



4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization excluding interest on future medical expenses 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 and learned counsel for respondent No. 3 – Insurer.

6. Learned counsel for appellant would contend that though disability is assessed, the Tribunal has not awarded compensation under the head 'loss of future income'. Compensation awarded towards 'pain and suffering', 'loss of amenities' and 'future medical expenses' is on lower side. With this she prayed to allow the appeal.



7. Learned counsel for respondent No. 3 – Insurer would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

8. Having heard learned counsel for the parties, this Court has perused the judgment and award.

9. Claimant had sustained fracture of both bones of left leg. P.W.2 is the Doctor and he has assessed the disability and stated that claimant is having 18.8% disability of left lower limb. The accident occurred on 03.03.2017 and as on the date of accident claimant was aged 59 years and he was working as a teacher at that time. Claimant retired during the pendency of the claim petition and in his evidence he has stated that he is drawing pension. Considering the fact that income of the claimant has not been reduced due to the injuries/disablement sustained by him, the Tribunal has



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rightly not awarded compensation under the head 'loss of income due to disability'.

10. As per Ex.P.7 – wound certificate claimant had sustained fracture of both bones of left leg and two simple injuries. Claimant was admitted in the hospital for 15 days. Considering the said injuries, compensation awarded by the Tribunal towards 'pain and suffering' requires to be enhanced to Rs.90,000/- as against Rs.70,000/- awarded by the Tribunal. Considering the said evidence, compensation awarded by the Tribunal under the head 'loss of amenities' requires to be enhanced to Rs.40,000/- from Rs.10,000/-.

11. Claimant was admitted in the hospital for 15 days. Considering the same, compensation awarded by the Tribunal for conveyance in a sum of Rs.5,000/- and incidental charges in a sum of Rs.13,000/- is just and proper.



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12. P.W.2 – Doctor has stated that claimant has to undergo surgery for removal of implant and cost of the same would be around Rs.30,000/- to Rs.35,000/-. The Tribunal has only awarded Rs.10,000/- towards ‘future medical expenses’. Considering the evidence of P.W.2 – Doctor claimant is entitled to Rs.30,000/- towards ‘future medical expenses’ as against Rs.10,000/- awarded by the Tribunal. But, claimant is not entitled to interest on enhanced amount of Rs.20,000/- towards ‘future medical expenses’.

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

Pain and Suffering	Rs.90,000
Medical expenses	Rs.57,118
Incidental expenses	Rs.13,000
Future medical expenses	Rs.30,000
Loss of amenities or expectation of life	Rs.40,000
Conveyance	Rs.5,000
Total	Rs.2,35,118/-



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14. Claimant is entitled to total compensation of Rs.2,35,118/- as against Rs.1,65,118/- awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of realization. Consequently, claimant is entitled to enhanced compensation of Rs.70,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No.3 - Insurer is liable to pay the said enhanced compensation with interest.

15. Claimant is not entitled to interest for the delay period of 432 days in filing the appeal as per the order dated 08.01.2026 on I.A. No. 1/2025.

16. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Claimant is entitled to enhanced compensation of Rs.70,000/- with interest at the rate of



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6% p.a. from the date of petition till the date of realization.

- c) Claimant is not entitled to interest for the delay period of 432 days in filing the appeal.
- d) Claimant is not entitled to interest on enhanced compensation under the head 'future medical expenses' in a sum of Rs.20,000/-.
- e) Respondent No. 3 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- f) Claimant is entitled to release of the entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 18
Ct.sm