



CNR: KAHC010443602023

NC: 2026:KHC:39239
MFA No. 5891 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5891 OF 2023
(MV-I)

BETWEEN:

ANNAPPA
AGED ABOUT 56 YEARS,
S/O PALANISWAMY,
R/AT. SRI DURGA DEVI NILAYA,
HARJADDU 5 CENTS COLONY,
KUKKUNDOOR VILLAGE AND POST,
KARKALA TALUK - 576 117.

...APPELLANT

(BY SRI. SIDDARAJA H.M., ADVOCATE FOR
SRI. PAVANA CHANDRA SHETTY H.,ADVOCATE)

AND:

1. S. SUDHAKAR SHETTY
AGED ABOUT 57 YEARS,
S/O ADU SHETTY,
R/AT OMKAR,
NEAR SAINT JOSEPH SCHOOL,
SANOOR VILLAGE AND POST,
KARKALA TALUK - 574 104.
2. THE BRANCH MANAGER
CHOLAMANDALAM MS GENERAL INSURANCE CO.
LTD.,
REGD. AND HEAD OFFICE: DARE HOUSE,
2ND FLOOR, NO.2, N.S.C. BOSE ROAD,
CHENNAI - 600 001.

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



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3. THE BRANCH MANAGER
NATIONAL INSURANCE CO. LTD.,
MOODABIDRI BRANCH, NITHYANANDA COMPLEX,
MOODABIDRI - 574 227.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. A.M. VENKATESH, ADVOCATE FOR R3;
VIDE ORDER DATED 31.08.2023, NOTICE TO R1 & R2 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 02.01.2023
PASSED IN MVC NO.261/2022 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ACJM, KARKALA, UDUPI,
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 02.01.2023 passed in MVC No.261/2022
by Senior Civil Judge and AMACT, Karkala.

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.3/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 03.07.2021 contending that the accident occurred due to rash and negligent driving by the driver of Maruthi Suzuki S. Cross car bearing registration No.KA-20-MC-3828.

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:

Sl. No.	Particulars	Amount
1.	Towards pain and sufferings	Rs. 80,000/-
2.	Towards Conveyance, Attendant charges and nourishing food	Rs. 30,000/-
3.	Towards loss of income during laid up period	Rs. 42,750/-
4.	Medical expenses	Rs. 1,24,720/-
5.	Loss of future income	Rs. 2,30,850/-
6.	Future medical expenses	Rs. 25,000/-
	Total	Rs. 5,33,320/-



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5. The Tribunal has also awarded the interest at the rate of 7% per annum from the date of petition till realisation and directed respondent No.3/insurer to deposit 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.3/insurer.

7. Learned counsel for the appellant would contend that, the accident occurred during the year 2021 and the notional income fixed for the said year is Rs.15,000/- and the Tribunal has erred in taking the income at Rs.14,250/-. Considering the injuries sustained, the Tribunal ought to have awarded loss of amenities, but the Tribunal has not awarded the loss of amenities. The claimant has to undergo surgery for removal of implants and the Tribunal has awarded future medical expenses in that regard in a sum of Rs.25,000/- is on lower side. Since



the Doctor has stated that, for removal of implants the estimated cost will be Rs.35,000/-. With these, he prayed to allow the appeal.

8. 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. With these, he prayed for dismissal of the appeal.

9. Having heard both the learned counsel for appellant and learned counsel for respondent No.3/insurer, the Court has perused the Judgment and Award.

10. The accident occurred on 03.07.2021 and as on the date of accident, the claimant was aged fifty six (56) years. The Tribunal has taken the income of the claimant at Rs.14,250/-, but as per the chart prepared by Karnataka State Legal Services Authority, the notional income fixed for the year 2021 is Rs.15,000/- and the said income is taken. The Tribunal has rightly taken the



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disability at 15% considering the evidence of P.W.2 - Doctor and rightly applied multiplier '9' since the claimant was aged fifty six (56) years. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 9 \times 15\% = \text{Rs.2,43,000/-}$$

11. The Tribunal has awarded loss of income during laid up period for three (03) months. Now the income is Rs.15,000/- and therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.45,000/- (Rs.15,000/- X 3) as against Rs.42,750/- awarded by the Tribunal. The claimant has been admitted in hospital for fifteen (15) days and the Tribunal has rightly awarded attendant, conveyance charges, food and nourishment in a sum of Rs.30,000/-. Considering the injuries sustained, the Tribunal has rightly awarded pain and sufferings in a sum of Rs.80,000/-. The Tribunal has not awarded loss of amenities. Considering that the claimant has sustained fracture of Left Femur with ACJ



dislocation (L), the claimant is entitled to loss of amenities in a sum of Rs.50,000/-.

12. PW.2 - Doctor has stated that the claimant has to undergo one more surgery for removal of implants and for which, estimated cost is Rs.35,000/-. The Tribunal has awarded future medical expenses in a sum of Rs.25,000/- and now it is to be enhanced to Rs.30,000/-.

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

Sl. No.	Particulars	Amount
1.	Towards pain and sufferings	Rs. 80,000/-
2.	Towards Conveyance, Attendant charges and nourishing food	Rs. 30,000/-
3.	Towards loss of income during laid up period	Rs. 45,000/-
4.	Medical expenses	Rs. 1,24,720/-
5.	Loss of future income	Rs. 2,43,000/-
6.	Future medical expenses	Rs. 30,000/-
7.	Loss of amenities	Rs. 50,000/-
	Total	Rs. 6,02,720/-



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14. The claimant is entitled to total compensation of Rs.6,02,720/- as against Rs.5,33,320/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.69,400/- (Rs.6,02,720/- - Rs.5,33,320/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.3/insurer is liable to pay enhanced compensation amount with interest.

17. 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.69,400/- with interest at the rate of 6% per annum from the date of petition till realisation.*



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- iii) *Respondent No.3/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day, failing which, it is liable to pay interest at the rate of 9% per annum from this day till date of payment.*
- iv) *The appellant/claimant is not entitled to interest for the delay period of 137 days in filing the appeal.*
- v) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE