



CNR: KAHC010443832025

NC: 2026:KHC:50401
MFA No. 5076 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5076 OF 2025

(MV-I)

BETWEEN:

PUTTAMADA
S/O DALLEGOWDA
AGED 66 YEARS
R/AT No.7/90, OLD KURUBARA STREET
OPP. SIDDAPPAJI TEMPLE
KOLLEGALA TOWN
CHAMARAJNAGAR DISTRICT-571 440.

...APPELLANT

(BY SRI PRAMOD R, ADVOCATE)

AND:

1. ENAYATH PASHA
S/O LATE ADBUL AZIZ, MAJOR
R/AT No.7/692, EDGA MOHALLA
KOLLEGALA TOWN
CHAMARAJANAGARA DISTRICT -571 440.
2. KUMARA J
S/O JAVARAIHA
R/AT No. 63
SINGANALLUR VILLAGE
KOLLEGALA TOWN
CHAMARAJANAGARA DISTRICT -571 443.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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3. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED.
No.305, ATCHM MANSION
SOUTHERN EXTENSION
KOLLEGALA TOWN
CHAMARAJANGARA DISTRICT- 571 440.

...RESPONDENTS

(BY SRI A N KRISHNASWAMY, ADVOCATE FOR R3
V/O DTD. 11.08.2025 NOTICE TO R1 AND R2 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:13.07.2023
PASSED IN MVC No.84/2019 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, KOLLEGALA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR FINAL HEARING 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 13.07.2023 passed in MVC No.84/2019 by
Senior Civil Judge and Additional MACT, Kollegala.

2. The appellant made a claim petition praying to
award compensation for the injuries sustained by him in a



road traffic accident occurred on 11.01.2019 contending that the accident occurred due to rash and negligent driving of the driver of TATA ACE bearing registration No.KA-10/4927. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Towards Pain and sufferings	Rs.10,000/-
Towards Medical expenses	Rs.7,900/-
Towards diet, food, nourishment, attendant, conveyance charges and other expenses	Rs.5,000/-
Towards loss of future earning capacity account of permanent physical disability	Rs.1,96,560/-
Loss of amenities of life and discomfort	Rs.10,000/-
Loss of income during the laid up period	Rs.28,000/-
Future Medical Expenses	Rs.5,000/-
Total	Rs.2,62,460/-

3. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -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.2 –insurer.

5. The accident occurred on 11.01.2019 and as on the date of accident the claimant was aged 60 years. The occupation of the claimant is milk and vegetable vending. The claimant has sustained the following injuries.

- i) Abrasion on the left maxillary region
- ii) Abrasion on right and left knee
- iii) Lacerated wound over left eyebrow
- iv) Tenderness in back

Considering the said injuries sustained by the claimant, the claimant is entitled to compensation towards pain and suffering in a sum of Rs.60,000/- as against Rs.10,000/- as awarded by the Tribunal and loss of amenities in a sum of Rs.50,000/- as against Rs.10,000/- as awarded by the Tribunal. Considering the said injury



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sustained by the claimant and his avocation, he has to take rest at least for 03 months. Therefore, he is entitled to loss of income during laid period in a sum of Rs.42,000/- (Rs.14,000/- x 3 months) as against Rs.28,000/- as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.7,900/-, future medical expenses of Rs.5,000/- and attendant and conveyance charges etc. of Rs.5,000/-. The claimant is not seeking enhancement for loss of future income awarded by the Tribunal. .

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	50,000/-
02.	Towards loss of amenities	40,000/-
03.	Towards loss of income during laid up period	14,000/-
Total		1,04,000/-

Considering the above aspects, the claimant is entitled to enhanced compensation of Rs.1,04,000/- with



interest at the interest of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest. The claimant is not entitled to interest for delay period for 617 days in filing the appeal as per order dated 03.11.2025 passed on IA No.1/2025.

7. 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.1,04,000/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The claimant is not entitled to interest for delay period for 617 days in filing the appeal.
- iv) 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.

- v) The appellant -claimant is entitled to release
of entire enhanced compensation.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
List No.: 1 Sl No.: 63