



CNR: KAHC010458632026

NC: 2026:KHC:48024  
MFA No. 5058 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 5058 OF 2026**

**(MV-I)**

**BETWEEN:**

NAVANEETH P  
AGED ABOUT 16 YEARS  
S/O PRASHANTH U.N.  
R/AT No.7/68, 12<sup>TH</sup> MAIN  
OPP.9<sup>TH</sup> CROSS, RAGHAVENDRA BLOCK  
SRINAGAR, BENGALURU – 560 050.

BEING MINOR REPTD. BY HIS  
MOTHER AND NATURAL GUARDIAN  
SMT. SHWETHA RAO B.M.  
AGED ABOUT 39 YEARS  
W/O U.N.PRASHANTH  
RESIDING AT THE ABOVE SAID ADDRESS.

Digitally signed by  
LAKSHMINARAYANA  
MURTHY RAJASHRI

Location: HIGH  
COURT OF  
KARNATAKA

...APPELLANT

(BY SRI K V NAIK, ADVOCATE)

**AND:**

1. PRASHANTA  
MAJOR  
R/O NARASIPURA  
KAGALGOODU  
KOPPA TALUK  
CHIKMAGALURU DISTRICT.



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2. THE MANAGER  
IFFCO TOKIO GENERAL INSURANCE CO.LTD.,  
No.141, SRI SHANTHI TOWERS  
5<sup>TH</sup> FLOOR, 3<sup>RD</sup> MAIN  
EAST OF NGEF LAYOUT  
KASTURIBANAGAR  
BENGALURU -560 043.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2  
V/O DTD. 15.07.2026 , NOTICE TOR1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:17/11/2025  
PASSED IN MVC No.7119/2022 ON THE FILE OF THE XVI  
ADDITIONAL JUDGE, COURT OF SMALL CASUES, MEMBER,  
MACT, BENGALURU (SCCH-14), 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 appellant/claimant seeking  
enhancement of compensation awarded in judgment and  
award dated 17.11.2025 passed in MVC No.7119/2022 by  
the XVI Additional Judge, Court of Small Causes and  
Member, MACT, Bengaluru (SCCH-14).



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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 09.09.2021 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-18-M-5160. 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.)   |
|--------|---------------------------------------|-------------------|
| 01.    | Pain and suffering, loss of amenities | 1,00,000/-        |
| 02.    | Future medical expenses               | 30,000/-          |
|        | <b>Total</b>                          | <b>1,30,000/-</b> |

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed



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respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

6. The accident occurred on 09.09.2021 and as on the date of the accident, the claimant was aged 12 years. The Tribunal placing reliance on decision of Hon'ble Apex Court in the case of **Master Mallikarjun v. Divisonal Manager, National Insurance Company Limited and Anr (2014) 14 SCC 396** has awarded compensation towards pain and suffering, loss of amenities of Rs.1,00,000/- and future medical expenses of Rs.30,000/- with interest.

7. Learned counsel for the appellant placing reliance on the decision of the Hon'ble Apex Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Anr (2025 INSC 1070)** prays to award



compensation by taking minimum wages, applying multiplier and taking disability.

8. The claimant has sustained Monteggia fracture of left ulna. PW.3- Doctor has examined the claimant, assessed his disability and stated that the claimant has disability at 37% to left proximal ulna and 12% to whole body disability considering that the fracture has been united and also evidence of the Doctor, the Tribunal has rightly taken disability to the whole body at 8%.

9. The claimant was aged 12 years and therefore, multiplier applicable is '15' as per the decision of the Hon'ble Apex Court in the case of **Reshma Kumari and others vs. Madan Mohan and another (2013) 9 SCC 65**. As per the decision of the Hon'ble Apex Court in the case of **Hitesh Nagjibhai Patel** (supra) minimum wages is to be taken into consideration. The minimum rates of wages for semi-skilled workers fixed for the year 2021-22 in Bengaluru, Zone-1 is Rs.14,469.81. Considering the



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said aspect, the income is taken at Rs.14,500/- p.m. In view of the same, loss of future income is calculated as under:

$$\text{Rs.14,500} \times 12 \times 15 \times 8\% = \text{Rs.2,08,800/-}$$

10. Considering the fracture sustained by the claimant, the claimant is entitled to pain and suffering in a sum of Rs.30,000/- and loss of amenities in a sum of Rs.20,000/-. Since the claimant has sustained fracture and he is aged 12 years, one of the parents has to take care of him atleast for a period of two months. Therefore, the claimant is entitled to loss of income during laid up period of parents in a sum of Rs.29,000/- (Rs.14,500 x 2 months).

11. PW.3 – Doctor has stated that operation has been done and the claimant has been fixed with plate and screw. Considering the said aspect, for removal of implants, the claimant has to undergo operation and



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therefore, Tribunal has rightly awarded future medical expenses of Rs.30,000/-.

12. 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                           | 2,08,800/-        |
| 02.    | Pain and suffering                              | 30,000/-          |
| 03.    | Loss of amenities                               | 20,000/-          |
| 04.    | Loss of income during laid up period of parents | 29,000/-          |
| 05.    | Future medical expenses                         | 30,000/-          |
|        | <b>Total</b>                                    | <b>3,17,800/-</b> |

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.3,17,800/- as against Rs.1,30,000/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,87,800/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,87,800/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Out of the enhanced compensation, a sum of Rs.1,50,000/- shall be deposited in the name of claimant in Karnataka Bank, City Civil Court Branch, Bengaluru, till he attains majority.
- v) Remaining amount shall be released to the Guardian of appellant/claimant namely Smt.Shwetha Rao B.M.
- vi) The claimant is not entitled to interest on future medical expenses of Rs.30,000/-.

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

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