



CNR: KAHC010459732025

NC: 2026:KHC:44901
MFA No. 5234 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5234 OF 2025

(MV-I)

BETWEEN:

ARULSELVAKUMAR C
S/O CHARLI SAGAYARAJ,
AGED ABOUT 28 YEARS,
R/AT JANATA HAND POST,
JAGERI PASKALNAGARA,
SATHEGALA, KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT-571 440.

...APPELLANT

(BY SRI. PRAMOD R, ADVOCATE)

AND:

1. NAGENDRA
S/O NARASAPPA,
R/AT NO.15/237, COURT ROAD,
BEHIND VHP SCHOOL,
CHAMARAJANAGARA-571 313.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED,
DO-2, NO.2912,
SRI VENKATESHWARA PLAZA,

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



CNR: KAHC010459732025

NC: 2026:KHC:44901
MFA No. 5234 of 2025

1ST MAIN, SARASWATHIPURAM,
MYSURU-570 009.

...RESPONDENTS

(BY SRI H C VRUSHABHENDRAIAH, ADVOCATE FOR R2
V/O DTD. 05.8.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 07.10.2023 PASSED IN MVC NO.68/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MAC, KOLLEGALA, 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 07.10.2023 passed in MVC No. 68/2020 by the Senior Civil Judge and JMFC and MACT, Kollegala.

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



NC: 2026:KHC:44901
MFA No. 5234 of 2025

CNR: KAHC010459732025

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 28.12.2019 due to the rash and negligent driving by the driver of bus bearing registration No. KA-10-4573. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards Pain and sufferings	Rs.30,000/-
2	Towards Medical expenses	Rs.1,25,359/-
3	Towards diet, food, nourishment, attendant, conveyance charges and other expenses	Rs.15,000/-
4	Towards loss of future earning capacity on account of permanent physical disability	Rs.5,14,080
5	Loss of amenities of life and discomfort	Rs.10,000/-
6	Loss of income during the laid up period	Rs.28,000/-
7	Future Medical Expenses	NIL
	Total	Rs.7,22,439/-



CNR: KAHC010459732025

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization 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 – claimant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant would contend that compensation awarded by the Tribunal towards ‘pain and suffering’ and ‘loss of amenities’ is on lower side considering the injuries/fracture sustained by the claimant. The Tribunal has awarded ‘loss of income during laid up period’ for two months and considering the fracture sustained, claimant was required to take rest at-least for three months. Therefore, he is entitled to ‘loss of income during laid up period’ for three months. Compensation



CNR: KAHC010459732025

awarded under other heads is just and proper. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 – Insurer would contend that the compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement of the compensation.

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

9. As per wound certificate - Ex.P.7 claimant had sustained the following injuries;

- i. Fracture of upper 1/3rd of lateral condyle of femur
- ii. Chip fracture of lateral femoral condyle right

10. Considering the injuries sustained, compensation awarded by the Tribunal towards 'pain and suffering' in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/- and 'loss of amenities' in a sum of Rs.10,000/- requires to be enhanced to Rs.40,000/-.



CNR: KAHC010459732025

11. The Tribunal has awarded 'loss of income during laid up period' for two months in a sum of Rs.28,000/-. Considering the injuries sustained claimant had to take rest at-least for 3 months and therefore, claimant is entitled to 'loss of income during laid up period' in a sum of Rs.42,000/- (Rs.14,000 X 3 months) as against Rs.28,000/- awarded by the Tribunal.

12. The Tribunal has rightly awarded medical expenses, attendant and conveyance charges and loss of future income due to disability.

13. In view of the above, claimant is entitled to enhanced compensation of Rs.74,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

ORDER

a) Appeal is allowed in part.



NC: 2026:KHC:44901
MFA No. 5234 of 2025

CNR: KAHC010459732025

- b) Appellant - claimant is entitled to enhanced compensation of Rs.74,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 38
Ct.sm