



CNR: KAHC010461222026

NC: 2026:KHC:51065
MFA No. 5091 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5091 OF 2026
(MV-I)

BETWEEN:

AMITH
S/O NARASIMHAIAH,
NOW AGED ABOUT 22 YEARS,
R/AT BANANDURU VILLAGE,
ITTAMADU,
RAMANAGARA TQ.DIST.

...APPELLANT

(BY SRI. N.R. RANGEGOWDA, ADVOCATE)

AND:

1. SMT. SHAMALA M.
C/O MAHALINGAIAH,
MAJOR, R/AT. NO.194, 1ST FLOOR,
3RD CROSS, ATTUR LAYOUT BUS STAND,
ATTUR LAYOUT, YELAHANKA,
BENGALURU - 560 064.

Digitally signed
by
PADMA SHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

2. THE MANAGER,
HDFC ERGO,
R/AT. NO.25/1, 2ND FLOOR,
SHANKARANARAYANA BUILDING,
BUILDING NO.2, M.G.ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. H.S. LINGARAJU, ADVOCATE FOR R2;
VIDE ORDER DATED 24.06.2026, NOTICE TO R1 IS
DISPENSED WITH)



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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19/11/2025 PASSED IN MVC NO.3817/2023 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL AT BENGALURU, 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 19.11.2025 passed in MVC No.3817/2023 by the Chief Judge, Court of Small Causes and Principal MACT, Bengaluru.

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.2/insurer, the matter is taken up for disposal.



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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 03.05.2023 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-50-P-2960.

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.	Medical expenses	Rs. 1,32,000/-
2.	Loss of future income	Rs. 5,18,400/-
3.	Transportation charges	Rs. 10,000/-
4.	Nourishing food	Rs. 10,000/-
5.	Loss of amenities	Rs. 10,000/-
6.	Loss of income during the period of treatment	Rs. 10,000/-
7.	Pain and suffering	Rs. 10,000/-
	Total	Rs. 7,00,400/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till



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realisation and directed respondent No.2/insurer to pay 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.2/insurer.

7. The accident occurred on 03.05.2023 and as on the date of accident, the claimant was aged nineteen (19) years. Considering the said age, the Tribunal has rightly added multiplier '18'. The claimant has sustained the following injuries as per Ex.P5 - Wound Certificate:

- a) *Acute EDH with head injury*
- b) *Displaced fracture of posteromedial inferior calcaneum fracture, left ankle talus neck fracture dislocation with bimalleolar fracture.*

8. Considering the above said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.10,000/- requires to be enhanced



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to Rs.70,000/- and loss of amenities awarded in a sum of Rs.10,000/- requires to be enhanced to Rs.60,000/-.

9. The accident occurred in the year 2023 and notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal.

10. The occupation of the claimant is agriculture. Considering the said fractures and injuries, he has to take rest atleast for three (03) months and therefore entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- X 03 months).

11. The Tribunal has rightly taken disability at 15%. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 18 \times 15\% = \text{Rs.5,26,500/-}$$



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12. P.W.2 - Doctor has stated that the claimant has been fixed with implant and he has to undergo surgery for removal of the implant. Considering the same, the claimant is entitled to future medical expenses of Rs.30,000/-. The claimant has been admitted in hospital for twelve (12) days. Considering the same, the Tribunal has rightly awarded transportation charges in a sum of Rs.10,000/-, food and nourishment etc. in a sum of Rs.10,000/-.

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

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 70,000/-
2.	Loss of amenities	Rs. 60,000/-
3.	Loss of income during laid up period	Rs. 48,750/-
4.	Transportation charges	Rs. 10,000/-
5.	Food, nourishment etc.	Rs. 10,000/-
6.	Medical expenses	Rs. 1,32,000/-
7.	Future medical expenses	Rs. 30,000/-
8.	Loss of future income	Rs. 5,26,500/-
	Total	Rs. 8,87,250/-



14. The claimant is entitled to total compensation of Rs.8,87,250/- as against Rs.7,00,400/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.1,86,850/- (Rs.8,87,250/- - Rs.7,00,400/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay the said 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.1,86,850/- with interest at the rate of 6% per annum from the date of petition till realisation.*



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- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) The appellant/claimant is not entitled to interest on future medical expenses of Rs.30,000/-.*
- v) The appellant/claimant is entitled to release of entire enhanced compensation amount with interest.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 7