



CNR: KAHC010463002025

NC: 2026:KHC:41485
MFA No. 5286 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5286 OF 2025

(MV-I)

BETWEEN:

R AJAY
S/O. RAJU
AGED ABOUT 23 YEARS
R/A. GUMBALLI VILLAGE
YELANDURU TALUK
CHAMARAJANAGAR DISTRICT- 571 441.

APPELLANT IS REPRESENTED
BY HIS MOTHER SMT. SUDHAMANI
W/O. SHRI RAJU
AGED ABOUT 40 YEARS
NATURAL GUARDIAN.

...APPELLANT

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

(BY SRI SANATH KUMARA K.M, ADVOCATE)

AND:

1. SHRI MONOHARA R
S/O. RAJU,
AGED ABOUT 49 YEARS
VAKIL RAMAIAH STREET
KOLLEGALA TOWN
CHAMARAJANAGARA
DISTRICT-571 440.



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2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO.,LTD
BALLAL CIRCLE
CHAMARAJPURAM
MYSURU- 570 005.

...RESPONDENTS

(BY SRI JANARDHAN REDDY, ADVOCATE FOR R2
V/O DTD. 18.07.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED: 20.06.2024
PASSED IN MVC No.323/2021 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND C.J.M, MACT, CHAMARAJANAGAR, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FURTHER ORDERS, 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 20.06.2024 passed in MVC No.323/2021 by
the Senior Civil Judge and MACT, Chamarajnagar.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.2/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 27.11.2021 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-01-MC-5470. 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	50,000/-
02.	Medical expenses	45,000/- + 27,910
03.	Loss of income during laid up period	500/-
04.	Future medical expenses	10,000/-
05.	Loss of amenities and discomfort	35,000/-
06.	Food and nourishment	10,000/-
07.	Loss of disability	11,34,000/-
	Total	13,12,410



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4. The Tribunal also awarded interest @ 6% p.a. 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.

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

6. Learned counsel for appellant would contend that claimant has sustained three injuries as per Ex.P5-wound certificate and they are as under:

- Traumatic brain injury
- Diffuse axonal injury and
- Diffuse cerebral edema

7. CW.1 – Doctor who is a Neuro Surgeon has assessed the disability of the claimant at 56% to the whole body and Tribunal has taken disability at 25%. The mother of the claimant gave evidence since the claimant was not in a position to give evidence. The compensation awarded



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for pain and suffering, loss of amenities are on lower side. the claimant has been admitted in the hospital for 14 days and he has to take rest atleast for three months and therefore, loss of income during laid up period awarded is on lower side. With this he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that Doctor who has assessed the disability in his cross-examination has stated that the claimant is having normal GCS power. Considering the same, the Tribunal has rightly taken the disability at 25%. The compensation awarded under all other heads is just and proper and there are no grounds for enhancement.

9. Having heard the learned counsels, the Court has perused the judgment and award.

10. As per Ex.P5- wound certificate the claimant has sustained following three injuries:

- Traumatic brain injury
- Diffuse axonal injury and



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- Diffuse cerebral edema

11. The claimant was working as a Conductor and he was aged 19 years as on the date of accident. Considering the injuries sustained, the compensation awarded for pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.75,000/- and loss of amenities in a sum of Rs.35,000/- requires to be enhanced to Rs.50,000/-. Considering the said injuries sustained, the claimant has to take rest atleast for three months and therefore, a sum of Rs.45,000/- (Rs.15,000 x 3 months) is awarded for loss of income during laid up period as against Rs.500/- awarded by the Tribunal.

12. CW.1-Doctor who is a Neuro surgeon has examined the claimant and assessed his disability. CW.1 has stated that the claimant is having intellectual impairment and assessed his disability at 50% and Ataxia disability at 15% and stated that there is total disability of 56%. The claimant has not been examined. PW.1 is the



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mother of the claimant and she has been examined as the claimant was not in a position to give evidence. PW.1 has stated in her chief-examination that due to the head injuries sustained by the claimant who is her son, he is not in a position to attend to his regular work and he has lost senses in his hands and legs and sleeping as a wood piece. There is no cross-examination with respect to the same by the respondents. Considering the evidence of Doctor, the disability taken by the Tribunal is on lower side and the disability has to be taken at 35%. The Tribunal has rightly taken notional income of Rs.15,000/- and added 40% future prospects and applied multiplier '18'. Therefore, the loss of future income is calculated as under:

$\text{Rs.15,000} + 6,000 \text{ (40\% future prospects)} = \text{Rs.21,000/-}$

$\text{Rs.21,000} \times 12 \times 18 \times 35 \% = \text{Rs.15,87,600/-}$

13. The Tribunal has rightly awarded medical expenses of Rs.72,910/-, food and nourishment in a sum of Rs.10,000/- and future medical expenses of Rs.10,000/-



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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	75,000/-
02.	Medical expenses	72,910/-
03.	Loss of income during laid up period	45,000/-
04.	Future medical expenses	10,000/-
05.	Loss of amenities and discomfort	50,000/-
06.	Food and nourishment	10,000/-
07.	Loss of future income	15,87,600/-
	Total	18,50,510/-

15. Considering the above aspects, the claimant is entitled to total compensation of Rs.18,50,510/- as against Rs.13,12,410/- awarded by the Tribunal, with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.5,38,100/- 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. The appellant is not entitled to interest for the delay period of 291 days in filing the



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appeal as per order dated 22.09.2025 passed on
I.A.No.1/2025.

16. 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.5,38,100/- with interest @ 6% p.a. from the date of petition till realization.
- 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) Appellant/claimant is entitled to release of entire enhanced compensation.
- v) The claimant is not entitled to interest for the delay period of 291 days in filing the appeal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 46
Ct.sm