



CNR: KAHC010466342025

NC: 2026:KHC:53573
MFA No. 5343 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.5343 OF 2025

(MV-I)

BETWEEN:

1. SRI. RUDRESH. B.M.,
S/O SRI. MANJUNATHA K.V.,
AGED ABOUT 40 YEARS,
R/AT NO.268, 4TH CROSS,
KANAKAPURA MAIN ROAD,
PRAGATHIPURA, BANASHANKARI,
BENGALURU - 560 078.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. SMT. SHOBHA,
W/O SRI. VENKATESH,
MAJOR,
R/AT NO.365, CHELAKERE,
ANDRA MUNIYAPPA LAYOUT,
KALYAN NAGARA,
BENGALURU - 560 043.

(OWNER OF BOLERO BEARING REG.
NO. KA-05-AH-1251).

2. THE MANAGER,
UNIVERSAL SOMPO GENERAL,
INSURANCE CO. LTD.,
NO.7, 2ND FLOOR,

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SHAH COMPLEX, 9TH MAIN,
5TH BLOCK, JAYANAGARA,
BENGALURU - 560 041.

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R2;
VIDE ORDER DATED 08.07.2026, NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.05.2025 PASSED IN MVC
NO.2447/2024 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSES, PRL. MACT, BENGALURU, 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 05.05.2025 passed in MVC No.2447/2024
by the Chief Judge, Court of Small Causes & Member,
Principal M.A.C.T., Bengaluru (SCCH-1).

2. Even though the matter is listed today for admission,
with the consent of learned counsel for the appellant and

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learned counsel for respondent no.2, the matter is taken up for disposal.

3. The appellant/claimant preferred a claim petition before the Tribunal seeking compensation for the injuries sustained by him in a road traffic accident that occurred on 09.03.2024 contending that the accident occurred due to the rash and negligent driving of the driver of Bolero Car bearing No.KA-05-AH-1251. The Tribunal, after recording evidence adduced by the parties and appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Head of Compensation	Amount	
1.	Pain and Sufferings	Rs.	70,000-00
2.	Treatment charges	Rs.	34,181-00
3.	Attendant, conveyance and nourishment charges	Rs.	20,000-00
4.	Loss of income during treatment period	Rs.	1,32,000-00
5.	Loss of amenities and future unhappiness.	Rs.	50,000-00
TOTAL		Rs.	3,06,181-00

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4. The Tribunal has also awarded interest @ 6% per annum from the date of claim petition till realisation and directed respondent no.2-Insurance Company to deposit the compensation with interest.

5. The claimant has preferred the present appeal seeking enhancement of the compensation awarded by the Tribunal.

6. Heard the learned counsel for the appellant and the learned counsel for respondent no.2/insurer.

7. The accident occurred on 09.03.2024. The claimant was aged 39 years as on the date of the accident. He was working as Screen printer and delivery boy in Shristi Printers, Bengaluru.

8. The claimant has sustained trimalleolar left ankle fracture. Considering the said injury, the compensation awarded towards pain and suffering in a sum of Rs.70,000/- is just and proper. Considering the said injury, the

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compensation awarded towards loss of amenities and future unhappiness in a sum of Rs.50,000/- is enhanced to Rs.70,000/-.

9. The claimant was admitted in the hospital for seven days. Considering the same, the compensation awarded towards attendant, conveyance and nourishment charges in a sum of Rs.20,000/- is just and proper. The Tribunal has rightly awarded the compensation towards medical expenses based on the documents in a sum of Rs.34,181/.

10. The Tribunal has awarded the compensation towards loss of income during laid up period of eight months by taking the income of the claimant at Rs.16,500/- per month. Ex.P10 is the salary certificate of the claimant wherein his consolidated salary per month is Rs.20,000/-. Considering the said salary certificate, the income of the claimant has to be taken at Rs.20,000/- per month, as against Rs.16,500/- per month taken by the Tribunal. As per Ex.P11, the claimant has availed leave for eight

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months, without pay. Therefore, the claimant is entitled to the compensation towards loss of income during laid up period of eight months in a sum of Rs.1,60,000/- per month (Rs.20,000/- x 8) as against Rs.1,32,000/- awarded by the Tribunal.

11. In view of the above, the claimant is entitled to enhanced compensation under the following heads:

Sl.No.	Heads	Amount in (Rs.)
1.	Loss of amenities	20,000/-
2.	Loss of income during laid up period	28,000/-
	Total	48,000/-

Consequently, the claimant is entitled to enhanced compensation of Rs.48,000/- with interest @ 6% per annum from the date of petition till realisation. Respondent no.2/insurer is liable to pay the said enhanced compensation with interest.

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12. 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.48,000/- 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) The appellant is entitled to release of the entire enhanced compensation;
- v) Registry is directed to return the records to the concerned Tribunal forthwith.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

hkh.

List No.: 1 Sl No.: 17