



CNR: KAHC010472072026

NC: 2026:KHC:52770
MFA No. 5125 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5125 OF 2026

(MV-I)

BETWEEN:

SRI SHANKARAPPA
S/O RAJAPPA
AGED ABOUT 57 YEARS
R/AT No.11, 7TH CROSS
SANJEEVININAGAR
HEGGANAHALLI CROSS
BENGALURU SOUTH
BENGALURU-560 091.

...APPELLANT

(BY SRI GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. MR. T VENKATESH
S/O THIPPAIAH
AGED ABOUT 40 YEARS
R/AT No.76/2, 3RD STAGE
2ND CROSS, KIRLOSKAR LAYOUT
BASAVESHWARNAGAR
BENGALURU-560 079.
2. M/s. UNITED INDIA INS. CO. LTD.,
BY ITS MANAGER, TB HUB
5TH AND 6TH FLOOR
KRUSHI BHAVAN

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





CNR: KAHC010472072026

NC: 2026:KHC:52770
MFA No. 5125 of 2026

HUDSON CIRCLE
NRUPATHUNGA ROAD
BENGALURU-560 001.

...RESPONDENTS

(BY SRI C SHANKARA REDDY, ADVOCATE FOR R2
V/O DTD. 17.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:12.08.2025
PASSED IN MVC No.825/2024 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES,
BENGALURU., PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR 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 12.08.2025 passed in MVC No.825/2024 by
the VII Additional Small Causes Judge, Member, MACT-3,
Bengaluru.

2. The appellant made a claim petition praying to
award compensation for the injuries sustained by him in a

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010472072026

NC: 2026:KHC:52770
MFA No. 5125 of 2026

road traffic accident occurred on 26.12.2023 contending that the accident occurred due to rash and negligent driving of the rider of Scooter bearing Regn.No.KA-02-HS-3768. 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.	Loss of future income	3,48,480/-
02.	Pain and suffering	30,000/-
03.	Attendant charges, extra nutritious food and conveyance charges	30,000/-
04.	Medical expenses	-
05.	Loss of future amenities and unhappiness	30,000/-
06.	Loss of income during laid up period	32,000/-
	Total	4,70,480/-

3. 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.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



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

5. The accident occurred on 26.12.2023 and as on the date of accident the claimant was aged 55 years. Considering the said age of the claimant the Tribunal has rightly taken multiplier '11'. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the same is to be taken as against Rs.16,000/- taken by the Tribunal.

6. The claimant has sustained type 2A open fracture both bones right leg at distal third. Considering the said injuries sustained by the claimant, the compensation awarded towards pain and suffering by the Tribunal in a sum of Rs.30,000/- is enhanced to Rs.75,000/- and loss of amenities awarded in a sum of Rs.30,000/- is enhanced to Rs.60,000/-.

7. The Tribunal has awarded loss of income during laid up period for two months taking the income at Rs.16,000/- p.m. Considering the said fracture sustained



NC: 2026:KHC:52770
MFA No. 5125 of 2026

CNR: KAHC010472072026

by the claimant, he has to take rest atleast for three months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250 x 3 months). Considering the injury sustained and the days of admission in the hospital, the Tribunal has rightly awarded attendant and conveyance charges etc. in a sum of Rs.30,000/-.

8. PW.3 – Doctor who has examined the claimant and assessed the disability has stated that claimant has sustained 47% disability to the lower limb and 24% to the whole body. The Tribunal has taken disability to the whole body at 15%. In cases of disability to lower limb, $1/3^{\text{rd}}$ is to be taken as disability to the whole body. Therefore, the disability is 15.66% ($1/3^{\text{rd}}$ of 47%). The Tribunal has added 10% future prospects. In view of the above, the loss of future income due to disability is calculated as under:

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010472072026

NC: 2026:KHC:52770
MFA No. 5125 of 2026

Rs.16,250 +10% = Rs.17,875 x 12 x 11 x 15.66% =
Rs.3,69,498/-

9. PW.3 – Doctor has stated that the claimant has been fixed with implants and considering the same, the claimant has to undergo surgery for removal of implants and therefore, entitled to future medical expenses of Rs.30,000/-. 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.	Loss of amenities	60,000/-
03.	Loss of income during laid up period	48,750/-
04.	Attendant and conveyance charges	30,000/-
05.	Loss of future income due to disability	3,69,498/-
06.	Future medical expenses	30,000/-
	Total	6,13,248/-

10. Considering the above aspects, the claimant is entitled to total compensation of Rs.6,13,248/- as against Rs.4,,70,480/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,42,768/-. The claimant is not

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52770
MFA No. 5125 of 2026

entitled to interest on future medical expenses of Rs.30,000/-. The claimant is entitled to interest @ 6% p.a. from the date of petition till realization on Rs.1,12,768/-. The claimant is not entitled to interest for the delay period of 212 days in filing the appeal as per order dated 24.09.2026 passed on I.A.1/2026. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. 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.1,42,768/-.
- iii) The appellant/claimant is not entitled to interest on future medical expenses of Rs.30,000/-.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:52770
MFA No. 5125 of 2026

CNR: KAHC010472072026

- iv) The claimant is entitled to interest @ 6% p.a. from the date of petition till realization on Rs.1,12,768/-.
- v) The appellant/claimant is not entitled to interest for the delay period of 212 days in filing the appeal.
- vi) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- vii) The appellant/claimant is entitled to release of entire enhanced compensation.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 8
Ct.sm