



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6228 OF 2023

(MV-I)

BETWEEN:

1. MRS. G N NAGARATHNA,
W/O KUMAR Y,
AGED ABOUT 42 YEARS,
R/A NO.T24,
SJCE ROAD,
SJCE COLLEGE,
MANASA GANGOTHRI,
MYSURU-570001

...APPELLANT

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

(BY SRI. K V SATEESHCHANDRA.,ADVOCATE)

AND:

1. MR. K C UTTHAPPA,
S/O K A CHANGAPPA,
AGED ABOUT 27 YEARS,
R/AT NO.38/1,
ANITHA NILAYA,



SIDDARTHA NAGARA,
ALANAHALLI VILLAGE,
MYSURU CITY-570001.

2. M/S THE DIVISIONAL MANAGER
NATIONAL INSURANCE
COMPANY LIMITED,
1ST FLOOR, PRESTIGE
SHOPPING ARCADE,
RAMASWAMY CIRCLE,
MYSURU CITY-570004

...RESPONDENTS

(BY SRI. MAHESHA C., ADVOCATE FOR R1,
SRI C SHANKAR REDDY, ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.01.03.2023 PASSED IN MVC
NO.1478/2021 ON THE FILE OF THE ADDITIONAL SMALL
CAUSES AND SENIOR CIVIL JUDGE, MACT, MYSURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 01.03.2023 passed in MVC No.1478/2021 by the Additional Court of Small Causes and MACT, Mysore.

2. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 02.04.2021, contending that the accident occurred due to riding of motorcycle bearing Regn. No.KA-55-X-5169 by its rider. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl.	Heads	Amt. of Rs.
1	Expenses relating to treatment hospitalization and medication	Rs.1,57,000/-
2	Loss of earnings during treatment (laid up period)	Rs. 15,000/-
3	Loss of earnings/future earnings on account of disability	Rs.3,27,600/-
4	Damages for pain, suffering and	Rs. 40,000/-



	trauma as a consequence of this injuries	
5	Future medical expenses	Rs. 20,000/-
6	Loss of amenities	Rs. 15,000/-
7	Transportation, attendant and nourishment, miscellaneous expenditure	Rs. 15,000/-
	Total	Rs.5,89,600/-

3. The Tribunal has also awarded interest at the rate of 6% p.a from the date of petition till realization and directed respondent No.2/Insurer to pay the award amount with interest. The claimant seeking enhancement has filed the present appeal.

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

5. Learned counsel for appellant contended that the claimant is a lady aged about 40 years, and she was doing farming, and due to the injuries sustained to her spinal cord, the doctor/PW2 has assessed her disability to the whole body at 40%, and Tribunal had taken the disability at 13% and it is not proper. The claimant has been admitted in the hospital for eight days and she has



visited the hospital for six times. Considering the injuries sustained, the compensation awarded for pain and suffering, loss of amenities, loss of income during laid up period are on lower side. With this, he prayed to allow the appeal.

6. Learned counsel for respondent No.2/Insurer would contend that the Tribunal has considered the cross-examination of the doctor/PW2, and rightly assessed the disability at 13%. The compensation awarded under other heads are also just and proper, and there are no grounds for enhancement.

7. Having heard the learned counsel, the Court perused the impugned judgment and award and Trial Court records.

8. The claimant has sustained the following injuries as per Ex-P5/wound certificate and ExP9/discharge summary:



- a) Lacerated wound on the right hand.
- b) Abrasions on the right and left knee anterior aspect.
- c) Tenderness present on the neck with unable to move all the four limbs.

9. The claimant has been treated by PW2. PW2 has stated that claimant has underwent surgery C6-C7 reduction and C6-C7 anterior cervical discectomy and fusion under general anesthesia. PW2/treated doctor has assessed the disability of the whole body of the claimant at 40%. PW2 has assessed the said disability considering what he has stated in his cross-examination.

10. The claimant is a farmer and considering the injuries sustained, the disability is to be taken at 20% as against 13% taken by the Tribunal. The Tribunal has taken the notional income at Rs.15,000/- p.m. and applied multiplier 14. Considering the aspect, the loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 14 \times 20\% = \text{Rs.5,04,000/-}$$



11. Considering the injuries noted supra, treatment and surgery undergone, the compensation awarded by the Tribunal for pain and suffering requires to be enhanced from Rs.40,000/- to Rs.60,000/-. The loss of amenities requires to be enhanced from Rs.15,000/- to Rs.30,000/.

12. Considering the said injuries and the surgery underwent by the claimant, she has to take rest at least for two months. Therefore, she is entitled for loss of income during laid up period for two months in a sum of Rs.30,000/- (Rs.15,000/- x 2 months).

13. The Tribunal has rightly awarded the attendant and conveyance charges, future medical expenses and medical expenses.

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

Sl.	Heads	Amt. of Rs.
1	Loss future income	Rs.5,04,000/-
2	Pain and sufferings	Rs. 60,000/-
3	Loss of amenities	Rs. 30,000/-
4	Attendant and conveyance charges	Rs. 15,000/-



5	Future medical expenses	Rs. 20,000/-
6	Loss of income during laid up period	Rs. 30,000/-
7	Medical expenses	Rs. 1,57,000/-
	Total	Rs. 8,16,000/-

15. The claimant is entitled to total compensation of Rs.8,16,000/- as against Rs.5,89,600/- as awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.2,26,400/- with interest at 6% p.a. from the date of petition till realization.

16. The respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The claimant is entitled to enhanced compensation of Rs.2,26,400/- with interest at the rate of 6% p.a. from the date of petition till realization.
- iii) The respondent No.2/Insurer shall deposit the enhanced compensation with interest before the Tribunal



NC: 2026:KHC:34375
MFA No. 6228 of 2023

within a period of six weeks from this day, failing which, it is liable to pay interest at the rate of 9% p.a from this date till payment.

iv) The claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 SI No.: 60