



CNR: KAHC010474182024

NC: 2026:KHC:38805
MFA No. 5443 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5443 OF 2024

(MV-I)

BETWEEN:

SRI IMRAN PASHA G B
S/O BABAJAN
NOW AGED ABOUT 25 YEARS
RESIDING AT No.128
GANJIGUNTE VILLAGE
SIDDLAGHATTA TALUK
CHIKKABALLAPURA DISTRCT.

PRESENTLY RESIDING AT
No.136, MASJID ROAD, K.R.PURAM,
BENGALURU – 560 036.

...APPELLANT

Digital Signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

(BY SRI GOPAL KRISHNA N, ADVOCATE FOR
SMT. SUSHMITHA G, ADVOCATE)

AND:

1. SRI G K SRINIVASA
S/O KRISHNAPPA
MAJOR IN AGE
RESIDING AT
GUDISALAHALLI VILLAGE
RESIDING AT KOTIGAL POST
CHINTAMANI TALUK
CHIKKABALLAPURA DISTRCT.



NC: 2026:KHC:38805
MFA No. 5443 of 2024

CNR: KAHC010474182024

2. UNITED INDIA INSURANCE COMPANY LTD,
REGIONAL OFFICE, No.18
KRISHI BHAVAN, 5TH FLOOR
OPP. HUDSON CIRCLE
NRUPATHUNGA ROAD
BENGALURU – 560 001.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI BENNI RAVISH CHANDRASHEKAR, ADVOCATE FOR R2
V/O DTD. 14.10.2025 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:16.04.2019
PASSED IN MVC No.2468/2017 ON THE FILE OF THE XXI
ADDITIONAL SCJ AND XIX ACMM, MEMBER, MACT, BENGALURU
SCCH-23, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION 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 16.04.2019 passed in MVC
No.2468/2017 by XXI Additional Small Causes Judge and
MACT, Bengaluru (SCCH-23).



NC: 2026:KHC:38805
MFA No. 5443 of 2024

2. The appellant -claimant made a claim petition praying to award compensation for injuries sustained by him in a road traffic accident occurred on 18.05.2016, contending that the accident occurred due to the rash negligent driving of the driver of the tractor-trailer bearing registration No.KA-40/TA-2791 and KA-4/TA-2813. The Tribunal, after recording evidence and appreciating evidence on record has assessed the compensation and awarded compensation under various heads as under:

1	Pain and sufferings	Rs.40,000/-
2	Loss of future earnings	Rs.1,07,520/-
3	Medical expenses	Rs.77,181/-
4	Conveyance, nourishment and nutritious food and loss of earning during laid up period	Rs.25,000/-
Total		Rs.2,49,701/-

3. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2 -insurer to pay the award amount with interest. The claimant seeking enhancement of compensation has filed present appeal.



4. Heard learned counsel for the appellant – claimant and learned counsel for respondent No.2.

5. Learned counsel for the appellant would contend that the claimant has sustained compound fracture of right tibia and fibula and P.W.2 -doctor assessed his disability at 14% to the whole body and Tribunal has taken disability at 8% and it is on lower side and disability to be taken on higher side. Considering the injuries sustained, the claimant has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period for 03 months. The Tribunal has taken income at Rs.7,000/- and the accident occurred in the year 2016 and as per the chart for the said year the notional income is Rs.9,500/- and the said income is to be taken. The claimant was aged 18 years as on the date of accident and therefore, multiplier to be taken is 18 as against 16 as taken by the Tribunal. The Tribunal has not awarded loss of amenities. With this he prays to enhancement of the compensation.



6. Learned counsel for respondent No.2 –insurer would contend that the disability taken by the Tribunal is just and proper. The compensation awarded under all heads are just and proper and there are no grounds for enhancement of compensation.

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

8. The accident occurred on 18.05.2016 and as on the date of accident, the claimant was aged 19 years. The Tribunal has taken the income of the claimant at Rs.7,000/-. Notional income fixed for the year 2016 by the Legal Services Authority is Rs.9,500/- and therefore, the said income is to be taken. The claimant is aged 19 years and therefore, multiplier applicable is 18 and same multiplication is to be taken as against 16 as taken by the Tribunal. P.W.2 is doctor who has assessed the disability at 43% of the left lower limb and 14% of the whole body and Tribunal has taken 8%. Considering the evidence of P.W.2 and that there is compound fracture of right tibia



CNR: KAHC010474182024

and fibula, the disability taken by the Tribunal is on lower side and disability to be taken is at 12% for the whole body. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.9,500/-} \times 12 \times 18 \times 12\% = \text{Rs.2,46,240.}$$

9. The Tribunal has rightly awarded compensation for pain and suffering in a sum of Rs.40,000/- and medical expenses in a sum of Rs.77,181/-. The Tribunal has awarded conveyance, attendance, food, nourishment and loss of earning during laid up period in a sum of Rs.25,000/-. Considering the injury sustained by the claimant, he has to take a rest at least for 03 months. Therefore, he is entitled to loss of income during laid up period of 03 months in a sum of Rs.28,500/- (9500/- x 3) Apart from that, the claimant is entitled to attendant, conveyance, food and nourishment etc., in a sum of Rs.25,000/-. The Tribunal has not awarded loss of amenities. Considering the injuries sustained, the claimant is entitled to loss of amenities in a sum of Rs.20,000/. In



CNR: KAHC010474182024

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MFA No. 5443 of 2024

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

1	Pain and sufferings	Rs.40,000/-
2	Loss of future earnings	Rs.2,46,240/-
3	Medical expenses	Rs.77,181/-
4	Attendant, conveyance, food and nourishment etc.	Rs.25,000/-
5	Loss of earning during laid up period	28,500/-
6	Loss of amenities	20,000/-
Total		Rs.4,36,921/-

10. The claimant is entitled to total compensation of Rs.4,36,921/- as against Rs.2,49,701/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,87,220/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the enhanced compensation with interest.

11. In view of the above, the following

ORDER

- i) The appeal is ***allowed in part.***



CNR: KAHC010474182024

NC: 2026:KHC:38805
MFA No. 5443 of 2024

- ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,87,220/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) The claimant is not entitled to interest for delay period of 1,140 days in filing the appeal.
- iv) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day, failing which it is liable to pay interest at the rate of 9% per annum from this date till payment.
- v) The appellant -claimant is entitled to release of entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 62
Ct.sm