



CNR: KAHC010474222026

NC: 2026:KHC:47627
MFA No. 5211 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5211 OF 2026

(MV-I)

BETWEEN:

SRI SAMPANGI A
AGED ABOUT 34 YEARS
S/O SRI ANBU
R/O No.34
NEAR SANGOLLI RAYANNA STATUE
LAKSHMIPURA
GANDHINAGAR, K.G. ROAD
BENGALURU-560 009.

...APPELLANT

(BY SRI K V NAIK, ADVOCATE)

AND:

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

1. SRI ANAND R
S/O SRI THAYAPPA
MAJOR,
R/O D.No.228,
ANJANEYA TEMPLE RD.,
BILESHIVALE
HANUMANTHANAGARA
DR. B.R. SHIVARAMA KARANTH NAGARA
BENGALURU-560 077.
(OWNER OF MOTOR CYCLE
BEARING REGN.No.KA-03-KT-2530).



NC: 2026:KHC:47627
MFA No. 5211 of 2026

CNR: KAHC010474222026

2. THE MANAGER
BAJAJ ALLIANZ GEN.INS.CO.LTD.,
No.1/2, 4TH FLOOR
GOLDEN HEIGHTS
59TH 'C' CROSS, 4TH 'M' BLOCK
RAJAJINAGARA
BENGALURU-560 010.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A ADVOCATE, FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 22.07.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:02.04.2026.
PASSED IN MVC No.5656/2024 ON THE FILE OF THE THE
XXIV ADDITIONAL SMALL CAUSE JUDGE AND MOTOR
ACCIDENT CLAIMS TRIBUNAL, AT 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

This appeal is filed by the appellant – claimant
seeking enhancement of compensation awarded in
judgment and award dated 02.04.2026 passed in MVC
No.5656/2024 by the XXIV Additional Small Causes Judge
and Member, MACT, Bengaluru (SCCH-26).



CNR: KAHC010474222026

NC: 2026:KHC:47627
MFA No. 5211 of 2026

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of 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 that occurred on 07.06.2026 contending that the accident occurred due to rash and negligent riding of the Motor Cycle of the rider bearing registration No.KA-03-KT-2530. The Tribunal after recording evidence of the parties, appreciating the evidence on record assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income due to disability	3,16,800/-
02.	Pain and sufferings	60,000/-
03.	Loss of fracture amenities and happiness	40,000/-
04.	Attendant charges, extra nutritious food and	21,000/-



NC: 2026:KHC:47627
MFA No. 5211 of 2026

	conveyance charges	
05.	Medical Expenses	5,59,287/-
06.	Loss of income during laid up period	49,500/-
07.	Future medical expenses	20,000/-
Total		10,66,587/-

4. The Tribunal also awarded interest at the rate of 6% per annum 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 the claimant had sustained two fractures and other injuries. Considering the same, compensation awarded towards pain and suffering and loss of amenities are in lower side. P.W.3 – Doctor who examined claimant has assessed the disability at 40% to the lower limb and 20%



CNR: KAHC010474222026

to whole of body. The disability taken by the Tribunal at 10% is on lower side. The accident occurred in the year 2024 and the income fixed for the said year is Rs.17,000/-. The Doctor has stated that the claimant has to undergo operation for removal of implants. Considering the same, the compensation awarded towards future medical expenses requires to be enhanced. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 –insurer would contend that the Doctor has stated that the fractures are united and considering the same, the Tribunal has rightly taken disability at 10%. The compensation awarded under all heads are just and proper. There are no grounds for enhancement of compensation. With this, he prayed to dismiss the appeal.

8. Having heard learned counsel for the parties, the Court has perused impugned judgment and award.



9. The accident occurred on 07.06.2024 and as on the date of accident, the claimant was aged 32 years. Considering the said aspect, the Tribunal has rightly taken multiplier '16'. The claimant had contended that he was doing catering business but no documents were produced in that regard. Considering the same, notional income has to be taken. The notional income fixed by Karnataka State Legal Services Authority for the year 2024 is Rs.17,000/- and same is to be taken as against Rs.16,500/- taken by the Tribunal.

10. The Doctor has stated that the claimant had sustained 40% disability to the lower limb and considering the same the disability to the whole body is to be taken at 13% ($\frac{1}{3}^{\text{rd}}$ of 40%) as against 10% taken by the Tribunal. In view of the above, loss of future income is calculated as under:

$$17,000/- \times 12 \times 16 \times 13\% = \text{Rs.}4,24,320/-.$$



11. Considering that the claimant had sustained two fractures and other injuries, the compensation awarded by the Tribunal in sum of Rs.60,000/- towards pain and suffering requires to be enhanced to Rs.70,000/- and loss of amenities in a sum of Rs.40,000/- requires to be enhanced to Rs.50,000/-. The compensation awarded by the Tribunal towards attendant and conveyance charges and medical expenses is just and proper. The Tribunal has awarded loss of income during laid up period for a period of 3 months. Now notional income is taken at Rs.17,000/- per month. Therefore, the claimant is entitled to loss of income during laid up period for 3 months in a sum of Rs.51,000/- (Rs.17,000/-x3) as against Rs.49,500/- awarded by the Tribunal.

12. The Doctor has stated that the claimant has to undergo surgery for removal of the implant. Therefore, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.



CNR: KAHC010474222026

NC: 2026:KHC:47627
MFA No. 5211 of 2026

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	4,24,320/-
02.	Pain and suffering	70,000/-
03.	Loss of amenities	50,000/-
04.	Attendant charges, extra nutritious food and conveyance charges	21,000/-
05.	Medical Expenses	5,59,287/-
06.	Loss of income during laid up period	51,000/-
07.	Future medical expenses	30,000/-
Total		12,05,607/-

14. Considering the above aspects, claimant is entitled to total compensation of Rs.12,05,607/- as against Rs.10,66,587/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till the date of realization. Consequently, the claimant is entitled to enhanced compensation of



Rs.1,39,020/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

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.1,39,020/- with interest at the rate of 6% per annum from the date of petition till the date of 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.



NC: 2026:KHC:47627
MFA No. 5211 of 2026

CNR: KAHC010474222026

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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 5
Ct.sm