



CNR: KAHC010474942025

NC: 2026:KHC:48905
MFA No. 5382 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5382 OF 2025 (MV-I)

BETWEEN:

SRI C M YACOOB @
MOHAMMED YACOOB
S/O LATE MOHIDDIN KUTTY
AGED ABOUT 70 YEARS
RESIDING AT No.9, WOOD STREET
ASHOK NAGARA, BENGALURU.

...APPELLANT

(BY SRI VENKATE GOWDA K, ADVOCATE)

AND:

1. SMT. RAZIYA BI
W/O AHMED BEG
MAJOR IN AGE
RESIDENT OF M.C.CAMPUS
HEGGERE, TUMKUR-572 107.

2. THE MANAGER
CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LTD.,
NANDI ARCADE, GROUND FLOOR
NEPS, SHANKARPURAM, B.H.ROAD,
TUMKUR-572 107.

...RESPONDENTS

(BY SRI MURALIDHAR NEGHAVAR, ADVOCATE FOR R2
V/O DTD. 22.07.2025, NOTICE TO R1 IS D/W)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.12.2024 PASSED IN MVC No.4335/2022 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, MEMBER, PRL. MACT, 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 30.12.2024 passed in MVC No.4335/2022 by Chief Judge, Court of Small Causes and Principal MACT, Bengaluru.

2. Even though the appeal is listed today for orders/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 injuries sustained by him in a road



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traffic accident occurred on 18.03.2022 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing registration No.KA-06/HH-2886. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1.	Towards pain and sufferings	Rs.60,000/-
2.	Towards treatment charges	Rs. 1,71,176/-
3.	Towards conveyance , attendant and nourishment charges	Rs.5,000/-
4.	Towards loss of income during treatment period. (15,000x4)	Rs.60,000 /-
5.	Towards loss of amenities and future unhappiness.	Rs.40,000/-
Total		Rs.3,36,176/-

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.



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5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. The accident occurred on 18.03.2022 and as on the date of accident, the claimant was aged 69 years. The multiplier applicable is '5'. The claimant has sustained the following injuries as per wound certificate and discharge summary.

- i) Multiple graze abrasions over right anterior chest
- ii) Right proximal forearm
- iii) Right shoulder swelling at right proximal arm and clavicular region
- iv) Ecchymosis around arm
- v) Right anterior chest and around scapular region
- vi) Tenderness over clavicle, shoulder and scapular region
- vii) Displaced and comminuted fractures right glenoid, right scapula and displaced fracture right clavicle shaft junction of middle third and lateral third



Considering the above injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- is enhanced to Rs.80,000/- and loss of amenities awarded in a sum of Rs.40,000/- is enhanced to Rs.60,000/-.

7. The claimant was admitted in the hospital for 08 days and therefore, claimant is entitled to attendant, conveyance charges, food nourishment etc., in a sum of Rs.8,000/- (Rs.1,000/- x 8 days) as against Rs.5,000/- as awarded by the Tribunal. The Tribunal has taken the notional income at Rs.15,000/-. The notional income fixed for the year 2022 is Rs.15,500/- by Karnataka State Legal Services Authority and the said income is to be taken as against Rs.15,000/- as taken by the Tribunal. The Tribunal has awarded loss of income during laid up period for 04 months taking the income at Rs.15,000/-. Now income taken is Rs.15,500/- and therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.62,000/- (Rs.15,500/- x 4 months) as against Rs.60,000/- as



awarded by the Tribunal. P.W.2 doctor has stated that the claimant has to undergo one more surgery for removal of implant. Therefore, the claimant is entitled to Rs.30,000/- towards future medical expenses. The Tribunal has rightly awarded medical expenses based on documents.

8. The Tribunal has not awarded loss of future income. P.W.2 is doctor who has examined the claimant and assessed disability and stated that the claimant is having disability at 45% of right upper limb and 15% to the whole body. The Tribunal has not awarded anything towards loss of future income due to disability. Since the claimant has sustained disability, loss of future income due to disability is to be awarded. The disability stated by P.W.2 to right upper limb is 45%. Therefore, the disability to whole body is to be taken $\frac{1}{4}^{\text{th}}$ of disability to right upper limb which come to 11.25% ($\frac{1}{4}^{\text{th}}$ of 45%). In view of the above, the loss of future income is calculated as under

$$\text{Rs.15,500} \times 12 \times 5 \times 11.25\% = \text{Rs.1,04,625/-}.$$



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

01.	Towards Pain and Suffering	80,000/-
02.	Towards Medical Expenses	1,71,176/-
03.	Towards attendant, conveyance charges, food and nourishment	8,000/-
04.	Towards loss of discomfort and amenities	60,000/-
05.	Towards loss of future income	1,04,625/-
06.	Towards loss of income during laid up period	62,000/-
07.	Future medical expenses	30,000/-
Total		5,15,801/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.5,15,801/- as against Rs.3,36,176/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,79,625/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following:



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ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,79,625/- with interest at the rate of 6% per annum 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 -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 34
Ct.sm