



CNR: KAHC010483612026

NC: 2026:KHC:41486
MFA No. 5222 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL No. 5222 OF 2026 (MV-I)

BETWEEN:

SRI.BIDHAN MISTRY
S/O DHANAPATHI MISTRY
NOW AGED ABOUT 53 YEARS
RESIDING AT:
E-47, 4TH CROSS
NEAR MARUTHI THEATER
RAJGOPALNAGAR, LAGGERE
PEENYA
BENGALURU -560 058.

...APPELLANT

(BY SRI B CHANDRASHEKHARAIHAH, ADVOCATE)

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

AND:

1. MR.SHARAVANA
S/O VENKATESAN
MAJOR
(AGED OF R-1 NOT
KNOWN TO APPELLANT)
RESIDING AT
No. D35, 1ST MAIN ROAD
KTG SCHOOL ROAD
HEGGANAHALLI, V.N. POST
BENGALURU - 560 091.



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2. BAJAJ ALLIANZ GENERAL
INSURANCE COMPANY LTD.,
T.P.HUB, 1/2, GOLDEN HEIGHTS
4TH FLOOR, 59TH 'C' CROSS
4TH M BLOCK, RAJAJINAGAR
BENGALURU-560 010.
BY ITS MANAGER

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 23.07.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED.
05.03.2026.PASSED IN MVC No.6409/2024 ON THE FILE OF THE
XI ADDL. SMALL CAUSES AND ADDL. MACT., 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 05.03.2026 passed in MVC No.6409/2024 by the
XI Addl.Small Causes Judge, Court of Small Causes, Member,
MACT-12, Bengaluru (SCCH-12).



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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.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 28.07.2024 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-04-MR-8974. 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.	Medical expenses	NIL
02.	Food and nourishment	3,500/-
03.	Attendant charges	3,500/-
04.	Loss of income during laid up period	33,000/-
05.	Conveyance charges	3,000/-
06.	Loss of income due to disability	2,39,580/-
07.	Future medical expenses	25,000/-
08.	Pain and sufferings	30,000/-
9.	Physical discomfort and loss of amenities of life	40,000/-
10.	Loss of future prospects	Nil
	Total	3,77,580/-



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4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the 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.

6. Learned counsel for appellant would contend that the claimant was Electrician aged 45 years and therefore, income is to be taken higher than the chart income. PW.2 – Doctor has stated that the claimant has sustained 32% disability to the limb and 11% to the whole body and considering the same, the Tribunal has taken disability at 11%. He submits that functional disability is to be taken since the claimant is electrician. The notional income fixed for the year 2024 is Rs.17,000/- and the same is to be taken as against Rs.16,500/- taken by the Tribunal. The claimant has sustained fracture of distal radius left and considering the same, compensation awarded for pain and suffering and loss



of amenities are on lower side. The claimant has been admitted in the hospital for 7 days and considering the fractures sustained, he has to take rest atleast for three months. Therefore, the compensation has to be awarded towards loss of income during laid up period for three months as against two months awarded by the Tribunal. The medical expenses are not awarded since the medical bills and prescriptions are not produced. Considering the fact that the claimant has been admitted in the hospital for 7 days and he has underwent surgery, a minimum of Rs.25,000/- has to be awarded towards medical expenses even though the claimant has not produced any medical bills. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Tribunal has rightly taken the disability as stated by the Doctor. The compensation awarded under all other heads is just and proper and there are no grounds for enhancement.



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

9. The accident occurred on 28.07.2024 and the claimant was aged 51 years as on the date of accident. It is the case of the claimant that he was working as electrician, but no document is produced in that regard. The Tribunal has taken the income of the claimant at Rs.16,500/- p.m. As per the chart prepared by the Karnataka State Legal Services Authority the notional income for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

10. PW.2 – Doctor who has examined the claimant and assessed his disability has stated that claimant is having 32% disability to the left upper limb and 11% to the whole body. Considering the evidence of PW.2, Tribunal has rightly taken disability at 11%. The Tribunal has rightly applied multiplier '11' as the claimant is aged 51 years. In view of the same, loss of future income is calculated as under:



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Rs.17,000 x 12 x 11 x 11% = Rs.2,46,840/-

11. Considering the fracture sustained by the claimant, compensation awarded for pain and suffering in a sum of Rs.30,000/- requires to be enhanced to Rs.40,000/-. The Tribunal has rightly awarded compensation towards loss of amenities in a sum of Rs.40,000/-, food and nourishment in a sum of Rs.3,500/- and attendant charges in a sum of Rs.3,500/- since the claimant has been admitted in the hospital for 7 days. Considering that the claimant has sustained fracture, he has to take rest atleast for 3 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000 x 3 months) as against Rs.33,000/- awarded by the Tribunal. The Tribunal has rightly awarded Rs.25,000/- towards medical expenses and Rs.3,000/- towards conveyance charges. The Tribunal has not awarded medical expenses on the ground that the claimant has not produced any document in that regard. Even though the claimant has not produced any evidence, in fact the claimant has been admitted in the hospital for 7 days



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and underwent operation. Considering the same, it can be said that he has incurred medical expenses atleast in a sum of Rs.25,000/-. Therefore, the claimant is entitled to a sum of Rs.25,000/- towards medical expenses.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Medical expenses	25,000/-
02.	Food and nourishment	3,500/-
03.	Attendant charges	3,500/-
04.	Loss of income during laid up period	51,000/-
05.	Conveyance charges	3,000/-
06.	Loss of income due to disability	2,46,840/-
07.	Future medical expenses	25,000/-
08.	Pain and sufferings	40,000/-
09.	Physical discomfort and loss of amenities of life	40,000/-
	Total	4,37,840/-

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,37,840/- as against Rs.3,77,580/- awarded by the Tribunal, with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.60,260/- with interest @ 6% p.a. from the date of petition till



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realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

14. 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.60,260/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DKB
List No.: 1 Sl No.: 55
Ct.sm