



CNR: KAHC010487202026

NC: 2026:KHC:52406
MFA No. 5278 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5278 OF 2026
(MV-I)

BETWEEN:

MISS. YASHASWINI
AGED 21 YEARS,
DAUGHTER OF LATE RAVI ACHARYA,
RESIDING AT HOUSE NO.4-114,
NEAR SUMATHI FARM,
CHANTHARU VILLAGE AND POST - 576 213,
BRAHMAVARA TALUK,
UDUPI DISTRICT.

...APPELLANT

(BY SRI. N. JAGADISH BALIGA, ADVOCATE)

AND:

1. SRI. RAGHAVENDRA K.S.
AGED 47 YEARS,
SON OF SRI. KORAGA DEVADIGA,
RESIDING AT HOUSE NO.2/185,
SOORUMANE, SANTAVARA,
KANDVARA VILLAGE - 576 217,
MOODIKATTE POST,
KUNDAPURA TALUK,
UDUPI DISTRICT.
2. THE NATIONAL INSURANCE COMPANY LIMITED,
REPRESENTED BY ITS BRANCH MANAGER,
KUNDAPURA BRANCH,
2ND FLOOR, SAI CENTRE, MAIN ROAD,
KUNDAPURA,



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CNR: KAHC010487202026

NC: 2026:KHC:52406
MFA No. 5278 of 2026

KUNDAPURA TALUK - 576 101,
UDUPI DISTRICT.

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2;
VIDE ORDER DATED 24.07.2026, NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.04.2026 PASSED IN MVC
NO.635/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
ADDITIONAL MACT, KUNDAPURA, 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 claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 28.04.2026 passed in MVC No.635/2024
by the Senior Civil Judge and Additional MACT, Kundapura.

2. Even though the matter is listed today for
admission, with the consent of both the learned counsel
for appellant and learned counsel for respondent
No.2/insurer, the matter is taken up for disposal.

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MFA No. 5278 of 2026

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 15.05.2024 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-29/M-2110.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Medical expenses (rounded off amount of Rs.1,07,552/-)	Rs. 1,08,000/-
2.	Pain, agony and suffering	Rs. 50,000/-
3.	Loss of amenities and happiness in life	Rs. 10,000/-
4.	Loss of Education during laid-off period	Rs. 25,000/-
5.	Extra nourishment and nutrition	Rs. 10,000/-
6.	Food, conveyance and attendant's charges during treatment	Rs. 10,000/-
	Total	Rs. 2,13,000/-

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MFA No. 5278 of 2026

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

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. The accident occurred on 15.05.2024 and as on the date of accident the claimant was aged nineteen (19) years. Considering the said age, the multiplier applicable is '18'.

8. The claimant has sustained fracture of upper end of femur and two other simple injuries. Considering the said injuries, the compensation awarded towards pain and suffering in a sum of Rs.50,000/- is just and proper. Considering the said injuries, the compensation awarded

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MFA No. 5278 of 2026

towards loss of amenities in a sum of Rs.10,000/- awarded by the Tribunal is enhanced to Rs.30,000/-.

9. P.W.2 - Doctor has stated that the claimant has sustained 26% disability to the lower limb. The Tribunal has not awarded anything towards loss of income due to disability, considering that the claimant was a student. The claimant has stated that apart from student, she was doing tailoring work and earning Rs.15,000/- per month. Considering the said aspect, the claimant has to be awarded loss of future income due to disability. As the disability stated by the Doctor is to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore the disability to the whole body is taken at 8.66% (1/3rd of 26%). Since the claimant herself has stated that income is Rs.15,000/- per month, the said income is taken. In view of the same, loss of future income due to disability is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 18 \times 8.66\% = \text{Rs.2,80,584/-}$$

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CNR: KAHC010487202026

NC: 2026:KHC:52406
MFA No. 5278 of 2026

10. The Tribunal has awarded loss of income during laid up period in a sum of Rs.25,000/-. Considering the said fracture and other simple injuries, the claimant has to take rest atleast for two (02) months and therefore she is entitled to loss of income during laid up period in a sum of Rs.30,000/- (Rs.15,000/- X 02 months) as against Rs.25,000/- awarded by the Tribunal. Considering the fact that the claimant has been admitted in hospital for eight (08) days, the Tribunal has rightly awarded food, conveyance and attendant charges in a sum of Rs.10,000/- and extra nourishment and nutrition in a sum of Rs.10,000/-. The Tribunal based on the bills has rightly awarded medical expenses of Rs.1,08,000/-.

11. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

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JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010487202026

NC: 2026:KHC:52406
MFA No. 5278 of 2026

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 50,000/-
2.	Loss of future income	Rs. 2,80,584/-
3.	Food, conveyance and attendant charges	Rs. 10,000/-
4.	Extra nourishment and nutrition	Rs. 10,000/-
5.	Loss of amenities	Rs. 30,000/-
6.	Loss of income during laid up period	Rs. 30,000/-
7.	Medical expenses	Rs. 1,08,000/-
	Total	Rs. 5,18,584/-

12. The claimant is entitled to total compensation of Rs.5,18,584/- as against Rs.2,13,000/- awarded by the Tribunal with interest.

13. Consequently, the claimant is entitled to enhanced compensation of Rs.3,05,584/- (Rs.5,18,584/- - Rs.2,13,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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

15. In view of the above, the following:

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CNR: KAHC010487202026

NC: 2026:KHC:52406
MFA No. 5278 of 2026

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.3,05,584/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- 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) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 28