



CNR: KAHC010498112026

NC: 2026:KHC:52235
MFA No. 5371 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5371 OF 2026
(MV-I)

BETWEEN:

ANIL RAJU @ ANIL
S/O LINGARAJU,
AGED ABOUT 25 YEARS,
R/AT UGANE VILLAGE, PALYA POST,
KOLLEGALA TALUK,
CHAMARAJANAGARA TQ AND DIST. -571 441.

...APPELLANT

(BY SRI. SREENIVASAN M.Y., ADVOCATE)

AND:

1. ABDUL KHALIQ
S/O ABDUL AZEEZ,
MAJOR,
R/AT MUSLIM BLOCK, BANDAHALLY VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGAR DIST. -571 441.

2. BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD.,
NO.305, ATCHAM'S MANSION,
DR.RAJKUMAR ROAD, SOUTHERN EXTENSION,
KOLLEGALA - 571 441.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2;
VIDE ORDER DATED 30.07.2026, NOTICE TO R1
IS DISPENSED WITH)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.12.2025 PASSED IN MVC NO.330/2010 ON THE FILE OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, MACT, CHAMARAJANAGARA (SITTING AT KOLLEGAL) 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 20.12.2025 passed in MVC No.330/2010 by I Additional District and Sessions Judge and Member, MACT, Chamarajanagara (sitting at Kollegala).

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.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained

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by him in a road traffic accident occurred on 07.11.2010 contending that the accident occurred due to rash and negligent driving by the driver of Maruti Omni Car bearing registration No.KA-12/MA-7806.

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.	Towards expenses relating to treatment and hospitalisation and medicines	Rs. 91,000/-
2.	Towards attendant charges Nourishment and diet food	Rs. 15,000/-
3.	Towards Loss of earning during the period of treatment	Rs. 24,000/-
4.	Towards pain and suffering	Rs. 30,000/-
5.	Towards conveyance charges	Rs. 20,000/-
6.	Towards loss of future earning on account of permanent disability	Rs. 2,72,160/-
7.	Towards future medical expenses	Rs. 30,000/-
8.	Towards loss of amenities	20,000/-
	Total	Rs. 5,02,160/-

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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. 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. Learned counsel for the appellant is seeking enhancement of compensation awarded by the Tribunal under the heads pain and sufferings, loss of amenities and loss of income during laid up period.

8. The claimant has sustained the following injuries:

- a) Fracture of proximal humerus right side
- b) Fracture of distal end of radius right side and multiple lacerated wounds over lower half of the face and right side of the chest.



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9. The claimant has sustained injury to his face and undergone skin grafting. Considering the said aspect, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.30,000/- is enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.20,000/- is enhanced to Rs.50,000/-.

10. The claimant has been admitted in hospital for fifty two (52) days and considering the same, the claimant has to take rest atleast for three (03) months and therefore, the claimant is entitled to loss of income during laid up period for (06) months in a sum of Rs.36,000/- (Rs.6,000/- X 06 months) as against Rs.24,000/- awarded by the Tribunal.

11. Considering all the above aspects, the claimant is entitled to enhanced compensation under the following heads:



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Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 30,000/-
2.	Loss of amenities	Rs. 30,000/-
3.	Loss of income during laid up period	Rs. 12,000/-
	Total	Rs. 72,000/-

12. Consequently, the claimant is entitled to enhanced compensation of Rs.72,000/- with interest at the rate of 6% per annum from the date of petition till realisation excluding the period between 10.06.2016 to 08.09.2025.

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

14. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.72,000/- with interest at the rate of 6% per annum from the date of petition till realisation*

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*excluding the period between 10.06.2016
to 08.09.2025.*

- 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.: 34