



CNR: KAHC010511972026

NC: 2026:KHC:53063
MFA No. 5527 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5527 OF 2026

(MV-I)

BETWEEN:

SRI. DEEKSHITH M
S/O MAHANTESH
AGED ABOUT 29 YEARS
R/AT No.36, GUILAL VILLAGE
HIRIYURU TALUK
CHITRADURGA DISTRICT – 577 214.

...APPELLANT

(BY SRI UDAYA KUMAR R L, ADVOCATE)

AND:

1. M/S ORIX AUTO INFRASTRUCTURE
SERVICES LIMITED
R/AT No.01, BANDAPPA COLONY
NEW BYAPPANHALLI EXTENSION
OLD MADRAS ROAD, INDIRANAGAR
BENGALURU-560 038.
REP. BY OWNER.
2. THE MANAGER
THE NEW INDIA ASSURANCE CO, LTD.,
No.11, UNITY BUILDING TOWER

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





CNR: KAHC010511972026

NC: 2026:KHC:53063
MFA No. 5527 of 2026

BLOCK, 4TH FLOOR, J.C ROAD
BENGALURU-560 002.

...RESPONDENTS

(BY SMT. PADMAVATHI S UTTUR, ADVOCATE FOR R2
V/O DTD. 11.08.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:6.09.2025 PASSED IN MVC No.2696/2021 ON THE FILE OF THE IV ADDITIONAL SMALL CAUSES JUDGE AND ACJM, COURT OF SMALL CAUSES MACT, BENGALURU CITY (SCCH-6), 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 06.09.2025 passed in MVC No.2696/2021 by IV Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-6).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010511972026

NC: 2026:KHC:53063
MFA No. 5527 of 2026

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 occurred on 06.02.2021 contending that the accident occurred due to rash and negligent driving of the driver of Baleno Car bearing registration No.KA-03/AG-9809. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1	Loss of future income due to disability	NIL
2	Pain & sufferings	1,25,000/-
3	Loss of income during laid-up period	90,000/-
4	Attendant charges, extra nutritious food & conveyance charges	40,000/-
5	Loss of future amenities & happiness	1,50,000/-
6	Medical expenses	NIL
Total		4,05,000/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



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. The accident occurred on 06.02.2021 and as on the date of accident, the claimant was aged 25 years. The claimant is stated to be working in Myntra Online Services. The claimant has not brought on record as to whether he has been removed from the said job and there is loss of future income due to the disability sustained by him. Considering the said aspect, the Tribunal has rightly not awarded loss of future income.

7. The claimant has sustained the following injuries:



CNR: KAHC010511972026

- i) Cut lacerated wound over left side of scalp and parietal region.
- ii) CLW over forehead and nose
- iii) Multiple facial bone fracture
- iv) Reduced mouth opening
- v) Deranged occlusion.

Considering the said injuries, the Tribunal has rightly awarded compensation towards pain and suffering in a sum of Rs.1,25,000/-. The Tribunal has also rightly awarded loss of income during laid up period in a sum of Rs.90,000/-. The claimant has been admitted in the hospital for 21 days and considering the same the Tribunal has rightly awarded attendant, conveyance charges, food and nourishment etc,. The injuries noted supra have been sustained by the claimant on his face. The claimant is stated to be an unmarried person and injuries on his face will affect his marriage prospects. There is evidence to the effect that there is reduced amount of opening. Considering the said aspect, the loss of amenities awarded

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010511972026

NC: 2026:KHC:53063
MFA No. 5527 of 2026

by the Tribunal in sum of Rs.1,50,000/- is enhanced to Rs.3,00,000/-.

8. In view of the above, the claimant is entitled to enhanced compensation of Rs.1,50,000/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest. The claimant is not entitled to interest for delay period of 224 days in filing the appeal as per order dated 11.08.2026 passed on IA No.1/2026.

9. 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.1,50,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:53063
MFA No. 5527 of 2026

CNR: KAHC010511972026

- iii) The claimant is not entitled to interest for delay period of 224 days in filing the appeal.
- iv) Respondent No.2 -insurer shall deposit the said enhanced compensation before the Tribunal with interest within a period of 06 weeks from this date.
- v) The appellant -claimant is entitled to release of entire enhanced compensation amount.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 SI No.: 33
Ct.sm