



CNR: KAHC010518162026

NC: 2026:KHC:50404
MFA No. 5483 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5483 OF 2026 (MV-I)

BETWEEN:

SHRI. SHEKAR R.
S/O RAMAKRISHNAPPA,
AGED ABOUT 47 YEARS,
R/AT NO.43, 1ST MAIN, BEHIND KUNDAN
JEWELLERY, HEBBALA, BENGALURU NORTH,
BENGALURU - 560 024.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. THE MANAGER
SBI GENERAL INSURANCE CO. LTD.,
GROUND AND FIRST FLOOR,
RUKMINI TOWERS, 3-1,
PLAT FARM ROAD, RAILWAY APPROACH ROAD,
SESDHADRIPURAM,
BENGALURU - 560 020.

2. SHRI. GOPINATHA P.
S/O PUNYA M.,
MAJOR, R/AT 48/2, 19TH CROSS,
19TH MAIN ROAD, J.C. NAGARA,
KURUBARAHALLI, BASAVESWARA NAGARA,
BENGALURU - 560 086.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R1;
VIDE ORDER DATED 11.08.2026, NOTICE TO R2 IS
DISPENSED WITH)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: 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 19.01.2026 PASSED IN MVC NO.380/2025 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18),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 19.01.2026 passed in MVC No.380/2025 by the III Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-18).

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.1/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 by him in a road traffic accident occurred on 02.01.2025 contending that the accident occurred due to rash and negligent driving by the driver of Goods Auto bearing registration No.KA-04/AE-0698.

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.	Pain and suffering	Rs. 25,000/-
2.	Loss of income during laid-up period and rest period	Rs. 17,000/-
3.	Medical expenses	Rs. 75,389/-
4.	Attendant, Nourishment and conveyance charges	Rs. 3,000/-
5.	Loss of future income due to disability	Rs. 2,65,200/-
6.	Loss of amenities	Rs. 20,000/-
7.	Future medical expenses	Rs. 20,000/-
	Total	Rs. 4,25,589/-



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.1/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.1/insurer.

7. The accident occurred on 02.01.2025 and as on the date of the accident, the claimant was aged forty (46) years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '13. Since no income proof is produced, the Tribunal has taken the notional income. The notional income fixed for the year 2025 by the Karnataka State Legal Services Authority is Rs.18,000/- per month and the said income is to be taken as against Rs.17,000/- taken by the Tribunal.



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8. The claimant has sustained fracture of left proximal tibia and considering the same, the compensation awarded towards pain and suffering in a sum of Rs.25,000/- requires to be enhanced to Rs.30,000/-, loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.25,000/-. The claimant has been admitted in hospital for three (03) days and considering the same, the compensation awarded towards attendant, conveyance charges etc. in a sum of Rs.3,000/- is just and proper. The Tribunal has also rightly awarded medical expenses of Rs.75,389/-.

9. Considering the injury sustained, the claimant whose avocation is delivery boy has to take rest at least for two (02) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.36,000/- (Rs.18,000/- X 02 months) as against Rs.17,000/- awarded by the Tribunal.



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10. The claimant has been fixed with implants and for removal of the same, he has to undergo surgery and therefore, he is entitled to future medical expenses of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

11. P.W.2 - Doctor who has examined the claimant has assessed his disability and stated that the claimant has sustained disability at 35.1% to the right lower limb and 17.5% to the whole body. But the Tribunal has taken the disability to the whole body at 10%. In cases of disability 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 to be taken at 12%. In view of the same, loss of future income due to disability is calculated as under:

$$\text{Rs.18,000/-} \times 12 \times 13 \times 12\% = \text{Rs.3,36,960/-}$$



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

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 30,000/-
2.	Loss of amenities	Rs. 25,000/-
3.	Medical expenses	Rs. 75,389/-
4.	Attendant, conveyance charges etc.	Rs. 3,000/-
5.	Loss of income during laid up period	Rs. 36,000/-
6.	Future medical expenses	Rs. 30,000/-
7.	Los of future income due to disability	Rs. 3,36,960/-
	Total	Rs. 5,36,349/-

13. The claimant is entitled to total compensation of Rs.5,36,349/- as against Rs.4,25,589/- awarded by the Tribunal with interest.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.1,10,760/- (Rs.5,36,349/- - Rs.4,25,589/-) with interest at the rate of 6% per annum from the date of petition till realisation.



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15. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

16. 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.1,10,760/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/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.*

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