



CNR: KAHC010518182026

NC: 2026:KHC:46890
MFA No. 5634 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5634 OF 2026

(MV-I)

BETWEEN:

ABDUL SALMAN V
S/O VAZEER AHAMED
AGE 29 YEARS
R/AT SHIVANANDA BADAVANE
NYAMATHI
DAVANAGERE - 577 223.

...APPELLANT

(BY SRI K V NAIK, ADVOCATE)

AND:


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

1. THE MANAGER
NATIONAL INSURANCE CO. LTD.,
No.144, 2ND FLOOR,
SUBHARAM COMPLEX, M.G. ROAD,
BENGALURU - 560 042.

(POLICY ISSUED BY ITS OFFICE IN POLICY
NO.61060031196260000806, DATE OF VALIDITY
FROM 17-04-2019 TO 16-04-2024).

2. NAGENDRA H.
S/O HANUMANTHA NAIK
MAJOR,
R/AT GUDRUKOPPA VILLAGE



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SHETTYHALLI POST
SHIMOGA TALUK AND
DISTRICT - 577 227.

...RESPONDENTS

(BY SRI. ASHOK KUMAR V, ADVOCATE FOR R1
V/O DTD. 11.08.2026, NOTICE TOR 2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:9.02.2026 PASSED IN MVC No.3764/2024 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU (SCCH-16), 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 09.02.2026 passed in MVC No.3764/2024 by the X Additional Small Causes Judge and MACT, Bengaluru (SCCH-16).

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



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learned counsel for appellant and learned counsel for respondent No.1.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 28.05.2023 contending that the accident occurred due to rash and negligent driving of the driver of motor cycle bearing Regn.No.KA-14/ES-8238. 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	Rs.3,26,400-00
2.	Medical expenses	41,818-00
3.	Pain and sufferings	50,000-00
4.	Attendant charges	11,000-00
5.	Food and nourishment	8,800-00
6.	Conveyance expenses	10,000-00
7.	Loss of income during treatment period	32,000-00
8.	Loss of amenities	40,000-00
9.	Future medical expenses	NIL
	Total	Rs.5,20,018-00



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4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -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.1 -insurer.

6. Learned counsel for appellant would contend that claimant has sustained intra parenchymal contusion, left convexity extradural hematoma and fracture of left orbital. P.W.2 -doctor who examined the claimant has assessed his disability and stated that the claimant is having 20% neuro disability and in spite of that the Tribunal has taken disability at 10% and it is on lower side. The claimant has been admitted in the hospital for 11 days. The notional income for the year 2023 is Rs.16,250/- and it is to be taken as against Rs.16,000/- as



taken by the Tribunal. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.1 -insurer would contend that the claimant himself gave evidence faced cross examination and considering the same, the Tribunal has rightly observed that there is no neuro disability as stated by the doctor and rightly taken 10% disability of the claimant. The compensation awarded by the Tribunal on all 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 28.05.2023. The notional income fixed for the year 2023 is Rs.16,250/- as per chart prepared by Karnataka State Legal Services Authority and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal. The age of the claimant is 26 years. Considering the said, the Tribunal



has rightly applied multiplier '17'. The claimant has sustained the following injuries:

- i) intra parenchymal contusion
- ii) left convexity extradural hematoma
- iii) fracture of left orbital

P.W.2 is doctor who has assessed the disability and stated that the claimant is having 20% neuro disability pertaining to left eye vision due to nerve injury. The claimant himself has given evidence and based on his evidence, considering the evidence of P.W.2 and the aspect of claimant himself gave the evidence, the disability is to be taken 15% as against 10% as taken by the Tribunal. In view of the above, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 17 \times 15\% = \text{Rs.4,97,250/-}$$

10. Considering the injuries sustained, the compensation awarded towards pain and suffering in sum of is Rs.50,000/-, loss of amenities in a sum of



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Rs.40,000/-, medical expenses and attendant and conveyance charges are just and proper. The Tribunal has awarded loss of income during laid up period in a sum of Rs.32,000/- for two months. Now, income of the claimant is taken at Rs.16,250/-. Therefore, the claimant is entitled to loss of income during laid up period for two months in a sum of Rs.32,500/- (Rs.16,250/- x2).

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	4,97,250/-
02.	Medical expenses	41,818/-
03.	Pain and sufferings	50,000/-
04.	Attendant charges	11,000/-
05.	Food and nourishment	8,800/-
06.	Conveyance expenses	10,000/-
07.	Loss of income during treatment period	32,500/-
08.	Loss of amenities	40,000/-
	Total	6,91,368/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.6,91,368/- as against Rs.5,20,018/- as awarded by the Tribunal with interest at



the rate of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,71,350/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No. 1 –insurer is liable to pay the said enhanced compensation with interest.

12. 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.1,71,350/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.1 –insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) The appellant -claimant is entitled to release
of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 SI No.: 57
Ct.sm