



CNR: KAHC010524312026

NC: 2026:KHC:46256
MFA No. 5619 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5619 OF 2026
(MV-I)

BETWEEN:

SRI. BAPPY DAS
S/O DAYIOL DAS,
AGED ABOUT 35 YEARS,
RESIDING AT NURI ABUJHATI JJMALAPUR,
BURDWAN ABUJHATI,
WEST BENGAL - 713 166.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. M/S. IFFCO TOKIO GEN. INS. CO. LTD.,
BY ITS MANAGER,
MOTOR CLAIMS HUB, MVC HUB NO.3,
KSCMF BUILDING, 3RD FLOOR, 3RD BLOCK,
CUNNIGHAM ROAD,
BENGALURU - 560 052.
2. KOMBAN SAJITH
S/O CHANDRAN K.
CITHIRA P.O., ANCHAMPEEDIKA,
LALISASSERI, MOTTAMMAL, KANNUR,
KERALA - 670 331.

...RESPONDENTS

(BY SRI. MALLIKARJUNA N.A., ADVOCATE FOR
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 11.03.2026 PASSED IN MVC NO.7682/2023 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU, 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 11.03.2026 passed in MVC No.7682/2023 by the Judge, Court of Small Causes and ACJM and MACT, Bengaluru (SCCH-9).

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



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by him in a road traffic accident occurred on 26.09.2023 contending that the accident occurred due to rash and negligent driving by the rider of motorcycle bearing registration No.KL-13-AW-4053.

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 injury pain and suffering	Rs. 80,000/-
2.	Towards medical expenses	Rs. 7,35,350/-
3.	Towards food and extra nourishment, conveyance and medical attendant	Rs. 25,000/-
4.	Towards loss of income during treatment	Rs. 96,000/-
5.	Towards loss of future earning	Rs. 10,75,200/-
6.	Deprivation of future amenities	Rs. 50,000/-
7.	Future medical expenses	Rs. ---
	Total	Rs. 20,61,550/-



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. Learned counsel for the appellant would contend that, the claimant has sustained six (06) injuries as per Ex.P7 - Wound certificate and he underwent surgery and took treatment for five (05) months duration. P.W.3 - Doctor who has examined him and assessed his disability at 50% to the whole body. Considering the injuries sustained and the treatment taken, the claimant cannot perform his earlier avocation of Swiggy delivery boy. Therefore, the disability is to be taken at 100%. He further submits that, considering the injuries sustained,



the compensation awarded towards pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. He also submits that, since the disability is more than 20%, future prospects at 40% are to be added. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.1/insurer would contend that, P.W.3 - Doctor is not the treated Doctor and he has stated that fractures are united and the claimant can walk without any help. Considering all these aspects, the disability taken and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.1/insurer, the Court has perused the impugned Judgment and Award.



10. The accident occurred on 26.09.2023 and as on the date of accident, the claimant was aged thirty two (32) years. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier '16' since the claimant is aged thirty two (32) years. Since the disability is more than 20%, future prospects at 40% are to be added.

11. P.W.3 - Doctor who has examined the claimant and assessed his disability at 50% to the whole body and the Tribunal has taken the disability at 35%. Considering the observations made by the Tribunal in paragraph - 'e' under the head loss of income due to disability and the avocation of the claimant, the disability is to be taken at 50% as against 35% taken by the Tribunal. In view of the same, loss of future income due to disability is calculated as under:



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$$\text{Rs.}16,250/- + 40\% (\text{Rs.}6,500/-) = \text{Rs.}22,750/- \times 12 \\ \times 16 \times 50\% = \text{Rs.}21,84,000/-.$$

12. The claimant has sustained the following injuries:

- I) *Laceration present over dorsum left hand*
- II) *Laceration present over front of right lower lip*
- III) *Swelling with tenderness present over upper third back of right chest (right scapular region)*
- IV) *Swelling with tenderness present over middle third back of right cervical region.*
- V) *Laceration present over mucosal surface of right lower lip*
- VI) *Laceration present over front middle third left leg*

Out of the said injuries, injury Nos.I to IV are grievous injuries and injury Nos.V and VI are simple injuries.



13. Considering the injuries sustained, the compensation awarded towards pain and sufferings in a sum of Rs.80,000/- requires to be enhanced to Rs.1,50,000/- and loss of amenities in a sum of Rs.50,000/- requires to be enhanced to Rs.1,20,000/-.

14. Considering the treatment taken by the claimant for the duration of five (05) months, he has to take rest atleast for one year and therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.1,95,000/- (Rs.16,250/- X 12 months) as against Rs.96,000/- awarded by the Tribunal.

15. The Tribunal has rightly awarded medical expenses and attendant and conveyance charges.

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



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Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 1,50,000/-
2.	Loss of amenities	Rs. 1,20,000/-
3.	Loss of income during laid up period	Rs. 1,95,000/-
4.	Attendant and conveyance charges etc.,	Rs. 25,000/-
5.	Medical expenses	Rs. 7,35,350/-
6.	Loss of future income	Rs. 21,84,000/-
	Total	Rs. 34,09,350/-

17. The claimant is entitled to total compensation of Rs.34,09,350/- as against Rs.20,61,550/- awarded by the Tribunal with interest.

18. Consequently, the claimant is entitled to enhanced compensation of Rs.13,47,800/- (Rs.34,09,350/- - Rs.20,61,550/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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

20. In view of the above, the following:



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ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.13,47,800/- 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**