



CNR: KAHC010536442026

NC: 2026:KHC:53983
MFA No. 5765 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5765 OF 2026

(MV-I)

BETWEEN:

SRI SWAMY GOWDA
S/O SIDDEGOWDA
AGED ABOUT 58 YEARS
SINCE THE PETITIONER IS UNCON
SCIOUS REP BY HIS DAUGHTER
SHRUTHI S,
R/AT UDDURU POST
BILIKERE HOBLI
MYSURU-571 105.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. AYYAMMA
W/O RANGASWAMY
AGED ABOUT 48 YEARS
R/AT CBT COLONY
HUNSUR TALUK
MYSURU DISTRICT-571 105.
2. THE MANAGER
IFFCO TOKIO GENERAL INSURANCE CO. LTD.,
BRANCH OFFICE:AT AKSHAYA BANDAR

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA





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NEW KANTHARAJ URS ROAD
KUVEMPUNAGARA, MYSURU-570 004.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2
V/O DTD. 18.08.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:27-04-2026
PASSED IN MVC No.1224/2023 ON THE FILE OF THE JUDGE,
ADDITIONAL COURT OF SMALL CAUSES AS A PRESIDING
OFFICER, MACT, MYSURU 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 27.04.2026 passed in MVC No.1224/2023 by
the Additional Judge, Court of Small Causes, MACT,
Mysuru.

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.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 01.06.2023 contending that the accident occurred due to rash and negligent driving of the driver of Tractor bearing Regn.No.KA-45-T-5816. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of earnings/future earnings on account of disability	17,28,000/-
02.	Damages for pain, suffering and trauma as a consequence of the injuries	1,50,000/-
03.	Loss of amenities	1,50,000/-
04.	Transportation, nourishment, attendant and miscellaneous expenditure	1,00,000/-
05.	Expenses relating to treatment hospitalization and medication	7,81,761/-
	Total	29,09,761/-

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4. The Tribunal also awarded interest @ 6% p.a. 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 01.06.2023 and as on the date of accident, the claimant was aged 56 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '9'. The Tribunal has taken notional income at Rs.16,000/- p.m. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal.

7. The claimant has sustained fracture clavicle malunited, complete paralysis of the right upper limb due to brachial plexus injury, malunited fracture of distal end

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of radius left, malunited fracture of both bones leg right with implant in situ. Considering the said injuries, the Tribunal has rightly awarded compensation of Rs.1,50,000/- towards pain and suffering and a sum of Rs.1,50,000/- towards loss of amenities.

8. The claimant has been admitted in the hospital for 4 months 25 days i.e. 145 days. Considering the same, the claimant is entitled to attendant and conveyance charges, food and nourishment in a sum of Rs.1,45,000/- (Rs.1000 x 145 days) as against Rs.1,00,000/- awarded by the Tribunal. The Tribunal based on medical bills and other documents has rightly awarded medical expenses of Rs.7,81,761/-.

9. The Tribunal has held that the functional disability of the claimant is 100%. Considering the said aspect, the loss of future income due to disability is calculated as under:

$$\text{Rs.16,250} + 10\% = \text{Rs.17,875} \times 12 \times 9 \times 100\% = 19,30,500/-$$



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10. 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 due to disability	19,30,500/-
02.	Pain and suffering	1,50,000/-
03.	Loss of amenities	1,50,000/-
04.	Attendant, conveyance charges, food and nourishment	1,45,000/-
05.	Medical expenses	7,81,761/-
	Total	31,57,261/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.31,57,261/- as against Rs.29,09,761/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.2,47,500/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,47,500/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

Learned counsel for respondent No.2 is permitted to file vakalath within two weeks.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 37