



CNR: KAHC010536882026

NC: 2026:KHC:53982
MFA No. 5733 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. 5733 OF 2026

(MV-I)

BETWEEN:

SRI. SANTHOSH T S,
S/O. SHIVANNA,
AGED ABOUT 32 YEARS,
R/AT No.96/A, 1ST MAIN
3RD CROSS, NARASIMHASWAMY LAYOUT
LAGGERE, BENGALURU NORTH PEENYA
SMALL INDUSTRIES
BENGALURU - 560 058.

...APPELLANT

(BY SRI. TEJAS N, ADVOCATE)

AND:

1. SRI. RAJANNA M
S/O. LATE. KARIYAPPA
AGED MAJOR
R/AT: SREE BYRAVESHWAR NILAYA
7TH CROSS, DADPEER LAYOUT
NELAMANGALA TOWN
BENGALURU - 562 123.

(RC OWNER OF CAR BEARING
REG. No.KA-52-M-6986)



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AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



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2. THE REGIONAL MANAGER
RELIANCE GENERAL INS. CO. LTD.,
REGIONAL OFFICE AT No.25,
5TH FLOOR, CENTENARY BUILDING
EAST WING, M.G. ROAD
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI MALLIKRJUN REDDY N A, ADVOCATE FOR
SRI B PRADEEP, 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:03.10.2025
PASSED IN MVC No.249/2023 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 03.10.2025 passed in MVC No.249/2023 by
the X Additional Judge, Court of Small Causes, Member,
MACT, Bengaluru.

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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of 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 24.11.2022 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-52-M-6986. 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 future income	6,64,020/-
02.	Medical expenses	4,67,235/-
03.	Pain and sufferings	60,000/-
04.	Attendant charges	8,000/-
05.	Food and nourishment	6,400/-
06.	Conveyance expenses	10,000/-
07.	Loss of income during treatment period	31,000/-

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08.	Loss of amenities	40,000/-
09.	Future medical expenses	30,000/-
	Total	13,16,655/-

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 24.11.2022 and as on the date of accident, the claimant was aged 29 years. Considering the said age, the Tribunal has rightly applied multiplier '17' and considering the year of accident, the Tribunal has rightly take notional income of Rs.15,500/- p.m.

7. The claimant has sustained the following injuries:

- Compound fracture shaft of left femur
- Compound fracture both bones left leg type-III

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- Compound fracture both bones left forearm and
- Fracture 3rd metacarpal left hand.

8. Considering the said injuries, the compensation awarded towards pain and suffering in a sum of Rs.60,000/- by the Tribunal is enhanced to Rs.1,20,000/- and loss of amenities in a sum of Rs.40,000/- is enhanced to Rs.80,000/-. The claimant has been admitted in the hospital for 08 days and considering the same, the claimant is entitled to attendant charges, food and nourishment, conveyance expenses in a sum of Rs.8,000/- (Rs.1,000 x 8 days) as against attendant charges of Rs.8,000/-, food and nourishment of Rs.6,400/- and conveyance expenses of Rs.10,000/-. Considering the said injuries, the claimant has to take rest atleast for 3 months and therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.46,500/- (Rs.15,500 x 3 months) as against Rs.31,000/- awarded by the Tribunal.

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9. PW.3 is the Doctor who has examined the claimant, assessed the disability and stated that claimant has sustained 63% disability to the limbs and 32% to the whole body. In cases of disability to limb 1/3 of the same is to be taken as disability to the whole body. Considering the same the Tribunal has rightly taken the disability at 21%. Since the disability taken is more than 20%, the claimant is entitled to future prospects at 40%. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.15,500} + 40\% = \text{Rs.21,700} \times 12 \times 17 \times 21\% = \text{Rs.9,29,628/-}$$

10. PW.3 – Doctor has stated that the claimant needs to undergo surgery for removal of implant at all 3 sites which costs around Rs.75,000/-. Considering the same, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.30000/- is enhanced to Rs.50,000/-.

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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 due to disability	9,29,628/-
02.	Pain and suffering	1,20,000/-
03.	Loss of amenities	80,000/-
04.	Medical expenses	4,67,235/-
05.	Attendant and conveyance charges, food and nourishment	8,000/-
06.	Future medical expenses	50,000/-
07.	Loss of income during laid up period	46,500/-
	Total	17,01,363/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.17,01,363/- as against Rs.13,16,655/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,84,708/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest on enhanced future medical expenses of Rs.20,000/-. The claimant is not entitled to interest for delay period of 213 days in filing the appeal as per order dated 18.08.2026 passed on

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I.A.1/2026. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

13. 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.3,84,708/-.
- iii) The appellant/claimant is entitled to interest @ 6% p.a. from the date of petition till realization on Rs.3,64,708/-.
- iv) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- v) Out of the enhanced compensation, 50% shall be kept in fixed deposit with Karnataka

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Bank, City Civil Court Branch, Bengaluru, in
the name of claimant for a period of three
years and the remaining amount shall be
released to him.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 36
Ct.sm