



CNR: KAHC010544672025

NC: 2026:KHC:50980
MFA No. 6176 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6176 OF 2025

(MV-I)

BETWEEN:

SRI AMBARISHA V
S/O SRI VENKATARAMA REDDY
NOW AGED ABOUT 26 YEARS
RESIDENT OF NERNAHALLI
G.M.HALLI POST
MULABAGAL TALUK
KOLAR DISTRICT – 563 132.

ALSO AT:
No.24/1, T.C.PALYA, K.R.PURAM
BENGALURU – 560 036.

Digitally signed
by

 PADMA SHREE (BY SMT. SUSHMITHA G, ADVOCATE)
SHEKHAR
DESAI

AND:

Location: HIGH
COURT OF
KARNATAKA

1. MR.K.BALAJI BABU
S/O K. JAYARAM
MAJOR IN AGE
RESIDING AT No.1-99
DASARALAPALLI VILLAGE
BAIREDDIPALLE MANDALAM
CHITTOOR, ANDHRA PRADESH- 517 415.

...APPELLANT



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2. CHOLA MANDALAM M.S. GEN.
INSURANCE CO.,LTD.,
GOLDEN HEIGHTS, 5TH FLOOR
No.1/2, 59TH 'C' CROSS
4TH BLOCK, RAJAJINAGAR
BENGALURU – 560 010.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 22.08.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:21.01.2025
PASSED IN MVC No.4446/2023 ON THE FILE OF THE I
ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER,
MACT, BENGALURU SCCH-11, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING 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 21.01.2025 passed in MVC
No.4446/2023 by I Additional Judge, Court of Small
Causes and MACT, Benagluru (SCCH-11).



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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 30.05.2023 contending that the accident occurred due to rash and negligent driving of the driver of Tempo bearing registration No.AP-03/TE-6712. 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.)
1	pain and suffering	50,000/-
2	Deprivation of future amenities	10,000/-
3	medical expenses	14,95,154/-
4	Towards conveyance	10,000/-
5	Towards Food and extra nourishment and medical attendant	10,500/-
6	loss of income during	30,000/-



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	treatment	
7	loss of future income	10,36,800/-
Total		26,42,454/-

4. The Tribunal also awarded interest at the rate of 6% per annum 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 appellant and learned counsel for respondent No.2 -insurer.

6. Learned counsel for appellant would contend that the claimant has sustained head injury and also facial injuries. P.W.2 -doctor who is neurosurgeon has examined the claimant, assessed his disability and stated that he is having 50% disability to the whole body and the Tribunal has erred in taking the disability at 30%. Even though, the Tribunal has considered disability at 30% but has not added future prospectus. The claimant has sustained



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hemiplegia and also had lacerated wounds over forehead and upper lip. The claimant was working as medical representative and he has been removed from his job by employer as he could not attend duty from 31.05.2023 and therefore, there is loss of income during laid up period. The claimant has been admitted in the hospital for 47 days. The compensation awarded towards pain and suffering and loss of amenities, attendant conveyance charges, food nourishment etc. are on lower side. The notional income fixed for the year 2023 is Rs.16,250/- and the Tribunal has taken the notional income at Rs.16,000/-. With this, he prayed to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 would contend that wound certificate –Ex.P4 indicate that the claimant has sustained facial injuries not head injury. P.W.2, who is neurosurgeon, has exaggerated the injuries and the disability. Considering his evidence, the Tribunal has rightly taken disability at 30%. Even though, the



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accident occurred on 30.05.2023, the claimant had been terminated on 09.09.2023 (Ex.P9). It indicates that, he was working with the company. The compensation awarded under the other heads are just and proper and there are no grounds for enhancement of compensation. With these, he prays to dismiss the appeal.

8. Having heard learned counsels, the Court has perused impugned judgment, award and trial Court records.

9. The accident is occurred on 30.05.203 and as on the date of accident, the claimant was aged 23 years. The claimant was working as medical representative and documents in that regard has been produced at EX.P7 and 8. The claimant has sustained the following injuries as per Ex.P4 - wound certificate.

1. Left temporal mild CDH
2. Multiple facial bone fractures
3. Multiple bone fracture
4. Multiple abrasions present on face"



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Ex.P11 is the discharge summary wherein diagnosis it is mentioned as under:

- i) RTA with traumatic brain injury with facial injury
- ii) Frontal bone – anterior TMC fracture
Left ZML left parasymptosis fracture
- iii) Sepsis – resolved

Considering the said injuries sustained by the claimant, the compensation awarded towards pain and suffering in a sum of Rs.50,000/- by the Tribunal is enhanced to Rs.1,00,000/- and loss of amenities awarded in sum of Rs.10,000/- is enhanced to Rs.80,000/-.

10. P.W.2 is the doctor who has examined the claimant and assessed his disability. P.W.2 has stated that CT brain revealed high fronto parietal contusion, cerebral edema, fracture of cranial facial bones, hemorrhage into paranasal sineuse and also abdominal and chest injuries, he underwent abdominal surgery. He had left hemiparesis and advised to continue medications , neuro rehabilitation.



Considering the said aspect, P.W.2 has stated that the claimant is having total disability of around 50% and the said disability is to the whole body and is likely to be permanent. Considering the said evidence of the doctor and injuries sustained by the claimant, the disability is to be taken to the whole body at 50% as against 30% as taken by the Tribunal. Since the disability is more than 20%, future prospectus at 40% is to be added.

11. The notional income fixed for the year 2023 is Rs.16,250/- by the Karnataka State Legal Services Authority and therefore, the said income is to be taken as against Rs.16,000/- as taken by the Tribunal. The Tribunal has rightly applied multiplier '18' since the claimant is aged 23 years as on the date of accident. In view of above, the loss of future income due to disability is calculated as under:

$$\begin{aligned} \text{Rs.16,250/-} \times 12 &= \text{Rs.1,95,000/-} + 40\% = \\ \text{Rs.2,73,000/-} \times 18 \times 50\% &= \text{Rs.24,57,000/-} \end{aligned}$$



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12. The claimant has been admitted in the hospital for 47 days and therefore, the claimant is entitled to attendant and conveyance charges, food and nourishment etc., in a sum of Rs.47,000/- (Rs.1,000/- x 47 days) as against Rs.10,500/- awarded towards food and extra nourishment and Ra.10,000/- awarded towards conveyance charges. Ex.P9 is termination letter dated 09.09.2023, whereunder the claimant has been terminated by its employer. In Ex.P9, it is mentioned that the claimant is away from duties since 31.05.2023 due to medical leave and presuming that he is not medically fit to join the field work, he has been removed. Therefore, the claimant is entitled to loss of income during laid up for a period of 06 months in a sum of Rs.97,500/- (Rs.16,250/- x 06 months). The Tribunal has rightly awarded medical expenses of Rs.14,95,154/- based on documents produced by the claimant.

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



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Sl.No.	HEADS	Amount In Rs.
1	pain and suffering	1,00,000/-
2	loss of amenities	80,000/-
3	medical expenses	14,95,154/-
4	attendant, conveyance charges, food and nourishment etc.	47,000/-
5	loss of income during laid up period	97,500/-
6	loss of future income	24,57,000/-
Total		42,72,654/-

The claimant is entitled to total compensation of Rs.42,72,654/- as against Rs.26,42,454/- with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.16,34,200/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest. The claimant is not entitled to interest for the delay period of 102 days in filing the appeal by order dated 22.08.2025 passed on IA No.1/2025.

14. In view of the above, the following

ORDER



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- I) The appeal is ***allowed in part.***
- II) The appellant -claimant is entitled to enhanced compensation of Rs.16,34,200/- with interest at rate of 6% per annum from the date of petition till realisation.
- III) The claimant is not entitled to interest for the delay period of 102 days in filing the appeal.
- IV) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- V) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 12
Ct.sm