



CNR: KAHC010560492019

NC: 2026:KHC:51781
MFA No. 1727 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 1727 OF 2020

(MV-I)

BETWEEN:

SRI. MAHESH K,
S/O KARUNAKAR,
AGED AOBUT 21 YEARS,
PERMANENT ADDRESS:
R/AT WARD NO.9, SIRIGUPPA ROAD,
NEAR RSS BANK, MARUTHINAGAR,
2ND CROSS, BELLARY,
PRESENTLY R/AT:
GAJARIYA LAYOUT, M.G.ROAD,
NELAMANGALA TOWN,
BENGALURU RURAL – 560 023.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. NATIONAL INSURANCE CO. LTD.,

Digitally
signed by
SUSHMA
LAKSHMI
S
Location:
High Court
of Karnataka



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REGIONAL OFFICE,
SUBHARAM COMPLEX, M.G.ROAD,
BANGALORE – 560 001,
REP. BY ITS MANAGER.

2. KRISHNA C. N.,
S/O LATE NANJAPPA GOWDA,
POLICE QUARTERS,
INDIRANAGARA, NELAMANGALA,
BENGALURU – 560 023.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY., ADVOCATE FOR R1;
R2 IS D/W, V/O DATED 17.11.2023)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 10.10.2018, PASSED IN
MVC.NO.7642/2017, ON THE FILE OF THE XIX ADDITIONAL
SMALL CAUSE JUDGE, M.A.C.T. AT BENGALURU, (SCCH-17),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

This appeal has been filed by the claimant/appellant seeking enhancement of compensation, being aggrieved by the judgment and award dated 10.10.2018 passed in MVC.No.7642/2017 on the file of the XIX Addl. SCJ and MACT, Bengaluru ('Tribunal' for short), wherein the Tribunal has awarded a compensation of Rs.3,67,162/- with interest at 7.5% per annum from the date of petition till realization.

2. The appellant met with an accident on 25.07.2017 at about 09.10 am, while he was working on the mud road of Nelamangala-Bengaluru near TB bus stand, Nelamanagala, the rider of the bike bearing registration No.KA-52-J-579 drove the said bike in a rash and negligent manner and dashed to the appellant and caused accident. Due to the said impact, the appellant sustained grievous injuries and he was shifted to Ramaiah Harsha Hospital, Nelamangala. On examining the appellant, the doctors of the said hospital opined that the appellant had suffered bimalleolar fracture of right ankle. Therefore, he underwent surgery and he was there as an inpatient for four days. Therefore, a claim petition was filed



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before the Tribunal. The Tribunal awarded Rs.3,67,162/-. Being aggrieved by the said award, he filed this appeal seeking enhancement.

3. Heard Sri. Raghu R., learned counsel for the appellant and Sri.C.Shankar Reddy, learned counsel for respondent No.1.

4. Learned counsel for the appellant submitted that the disability has been considered by the Tribunal towards loss of income due to permanent disability is 12% instead of 14%, which is on the lower side. The compensation under the head of future medical expenses is also required to modified as per the schedule. The compensation under the head of pain and suffering is also required to be enhanced to Rs.80,000/-, however, the Tribunal has awarded Rs.40,000/-, which is on lower side. Having said thus, the learned counsel for the appellant prays to enhance the compensation.

6. *Per contra*, learned counsel representing the respondent No.1 – Insurance Company justified the award passed by the Tribunal and stated that the Tribunal has



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awarded fair compensation which requires no modification.
Making such submissions, learned counsel for respondent No.2
– Insurance Company prays to dismiss the appeal.

7. Having considered the submissions raised by the learned counsel for the respective parties, it is necessary to have a re-look upon the compensation awarded under the different heads by the Tribunal.

i) Pain and suffering: The Tribunal awarded Rs.40,000/- on assessing the wound certificate, discharge summary, X-ray report, case sheet, etc. As per the medical records, the injuries are grievous in nature. Having considered the findings given under the said head, enhancement is not required.

ii) Attendant charges, extra food and conveyance charges:
The claimant was admitted to Ramaiah Harsha Hospital and took treatment as an inpatient for four days. Hence, the award passed by the Tribunal appears to be proper and it requires no enhancement.



iii) Medical expenditure: Under this head, the Tribunal has awarded the compensation as per the medical bills produced before it. Therefore, there is no justification in interfering with the said findings.

iv) Loss of earning during laid up period: The notional income of Rs.10,000/- had been considered by the Tribunal, however, this has to be enhanced to the extent of Rs.11,000/- instead of Rs.10,000/-. ($\text{Rs.11,000/-} \times 2 = \text{Rs.22,000/-}$), the difference is Rs.2,000/- under this head.

v) Loss of future income: The Tribunal took Rs.10,000/- as income and multiplier is '18', disability of 10% has been considered, however, it has to be extended another 2%, which comes to 12%. Hence, the calculation would be $\text{Rs.11,000} \times 12 \times 18 \times 12\% = \text{Rs.2,85,120/-}$.

vi) Loss of amenities: The Tribunal has awarded Rs.20,000/-, whereas, it is required to be enhanced to another Rs.20,000/-.



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vii) Future medical expenses: The Tribunal awarded Rs.25,000/-, however, it requires to be enhanced another Rs.25,000/-. Thus, the calculation would be is as follows:

8. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rs.)	
		Tribunal	This Court
01	Pain and suffering	40,000/-	40,000/-
02	Attendant charges, extra food and conveyance expenses	10,000/-	10,000/-
03	Medical expenses	36,162/-	36,162/-
04	Loss of income during laid up period	20,000/-	22,000/-
05	Loss of income due to permanent disability	2,16,000/-	2,85,120/-
06	Loss of future amenities and happiness	20,000/-	40,000/-
07	Future medical expenses	25,000/-	50,000/-
	Total	3,67,162/-	4,83,282/-
	Enhanced amount		1,16,120/-

9. Thus, the appellant is entitled for enhanced compensation of Rs.1,16,120/- with interest and therefore, the appeal deserves to be allowed in part. Hence, the following:

ORDER

i) The appeal is *allowed-in-part*.



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ii) The impugned judgment and award passed by the Tribunal is modified by awarding a sum of Rs.1,16,120/- in addition to what has been awarded by the Tribunal together with interest at 6% p.a. from the date of petition till its deposit.

iii) The respondent No.1/Insurance Company is directed to deposit the entire compensation amount within a period of six weeks from the date of this order.

iv) The Tribunal is directed to release the amount in favour of the claimant on proper identification on deposit made by respondent No.1.

The Registry is directed to transmit the records along with the order for necessary compliance.

**Sd/-
(S RACHAIAH)
JUDGE**