



CNR: KAHC010572392026

NC: 2026:KHC:52771
MFA No. 6115 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6115 OF 2026

(MV-I)

BETWEEN:

SRI.S.ADAM BASHA @ ADAM BASHA
S/O S. BASHA
AGED ABOUT 37 YEARS
R/AT No.28-690/5, INDIRAMMA COLONY
GANTAVOORU, PALAMNER, CHITTOOR
ANDRA PRADESH - 517 408.

...APPELLANT

(BY SRI SREENIDHI P, ADVOCATE)

AND:

1. THE NATIONAL INSURANCE CO. LTD.,
TP HUB, 2ND FLOOR
SHUBHARAM COMPLEX
M.G. ROAD, BENGALURU-01.
2. SRI. V. NARENDRA
S/O V. LAKSHMAYYA
WARD No.31, HOUSE No. 165
AIRPORT ROAD, VIDYA NAGAR 2ND CROSS
BELLARY-583 101.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R1
V/O DTD. 25.8.2026, NOTICE TO R2 IS D/W)

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JUDGE, HIGH COURT OF KARNATAKA





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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:12-12-2025 PASSED IN MVC No.2859/2023 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 12.12.2025 passed in MVC No.2859/2023 by the III Additional Judge, Court of Small Causes, Member, MACT, Bengaluru (SCCH-18).

2. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 19.01.2023 contending that the accident occurred due to rash and negligent driving of the driver of Lorry bearing Regn.No.KA-34/B-7037. The Tribunal after recording the

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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.	Pain and suffering	30,000/-
02.	Loss of income during laid-up period and rest period	32,000/-
03.	Medical expenses	1,67,004/-
04.	Loss of future income due to disability	3,16,800/-
04.	Attendant, Nourishment and conveyance charges	5,000/-
05.	Loss of amenities	20,000/-
06.	Future medical expenses	20,000/-
	Total	5,90,804/-

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.1/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

4. Heard learned counsel for the appellant and learned counsel for respondent No.1/insurer.

5. The accident occurred on 19.01.2023 and as on the date of accident the claimant was aged 37 years.

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Considering the said age of the claimant, the Tribunal has rightly taken multiplier '15'.

6. The claimant has sustained the following injuries as per Ex.P9 – wound certificate:

- Left shoulder x-ray shows fracture at glenoid fossa and proximal shaft of humerus
- Abrasion on left side of forehead
- Abrasion on nasal bridge, right foot and left knee.

7. Considering the said injuries, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.60,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.50,000/-. The claimant has been admitted in the hospital for 5 days. Considering the same, the compensation awarded towards attendant, nourishment and conveyance charges is just and proper. The Tribunal based on medical bills has rightly awarded Rs.1,67,004/-. PW.2 – Doctor has stated that the claimant has been fixed

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with implants and he has to undergo operation for removal of implants and therefore, the claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

8. The claimant's avocation is Driver. Ex.P6 is the copy of driving license of the claimant wherein he is authorized to drive transport vehicle. At the time of accident also, the claimant was driving Eicher vehicle. Even though no income proof is produced, considering that the claimant is having driving license to drive transport vehicle, his income is taken at Rs.20,000/- p.m.

9. PW.2 is the Doctor who has examined the claimant and assessed his disability and stated that the claimant is having 48% disability to the lower limb and 16% disability to the whole body. But the Tribunal has taken the disability to the whole body at 11%. In cases of disability to the lower limb, the disability to the whole body is to be taken at $1/3^{\text{rd}}$ of the limb. Therefore, the disability to be

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taken is 16% to the whole body. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.}20,000 \times 12 \times 15 \times 16\% = \text{Rs.}5,76,000/-$$

10. The Tribunal has awarded compensation towards loss of income during laid up period for two months by taking income at Rs.16,000/-. Now the income taken is Rs.20,000/- p.m. Considering the fact that the claimant's avocation is driver and that he has sustained fracture of right leg, he has to take rest atleast for 3 months. Therefore, the claimant is entitled to loss of income during laid up period for 3 months in a sum of Rs.60,000/- (Rs.20,000 x 3 months).

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000/-
02.	Loss of amenities	50,000/-
03.	Loss of income during laid up period	60,000/-

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04.	Medical expenses	1,67,004/-
05.	Attendant, nourishment and conveyance charges	5,000/-
06.	Future medical expenses	30,000/-
07.	Loss of future income due to disability	5,76,000/-
	Total	9,48,004/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.9,48,004/- as against Rs.5,90,804/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,57,200/- 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.10,000/-. Respondent No.1/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.3,57,200/-

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with interest @ 6% p.a. from the date of petition till realization.

- iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The appellant/claimant is not entitled to interest on Rs.10,000/- enhanced towards future medical expenses.
- v) The appellant/claimant is entitled to release of entire enhanced compensation.
- vi) Office is directed to return the trial Court records.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 10
Ct.sm