



CNR: KAHC010589582025

NC: 2026:KHC:42360
MFA No. 6670 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6670 OF 2025

(MV-I)

BETWEEN:

MAHESHA
AGED ABOUT 50 YEARS
R/AT ADHIJAMBAVA BEEDHI
L BANNUR KOTHANUR (CHIKKALUR)
KOLLEGALA TALUK
CHAMARAJANAGARA DISTRICT – 571 441.

...APPELLANT

(BY SRI SREENIVASAN M Y, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. RAMESHA M
S/O MADESHA
MAJOR
R/AT 2ND WARD
KUDALUR VILLAGE & POST
KOLLEGALA TALUK
CHAMARAJANAGARA – 571 441.
2. THE BRANCH MANAGER
CHOLAMANDALAM MS
GENERAL INS CO. LTD.,
DOOR No. 271, ASHRAYA BUILDING
LAXMIVILAS ROAD



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DEVARAJ MOHALLA
MYSORE 570001

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 10.09.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:26.05.2025
PASSED IN MVC No.247/2020 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, KOLLEGAL, 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 26.05.2025 passed in MVC No.247/2020 by
Senior Civil Judge and Additional MACT., Kollegala.

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 13.07.2020 contending that the accident occurred due to rash and negligent driving of the driver of Splendor Plus Motorcycle bearing Regn.No.KA-10/EB-4915. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Towards Pain and sufferings	Rs.50,000/-
Towards Medical expenses	Rs.2,58,938/-
Towards diet, food, nourishment, attendant, conveyance charges and other expenses	Rs.20,000/-
Towards loss of future earning capacity on account of permanent physical disability	Rs.1,98,900/-
Loss of amenities of life and discomfort	Rs.10,000/-
Loss of income during the laid up period	Rs.45,000/-
Total	Rs.5,82,838/-

4. The Tribunal also awarded interest at the rate 6% p.a. from the date of petition till realization and directed the respondent No.2 -insurer to deposit the award amount



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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. Learned counsel for appellant would contend that the claimant has sustained fracture of tibia and fibula and admitted in the hospital for 20 days. The claimant was running provision store. C.W.1 -doctor who examined the claimant has assessed his disability at 64% to the right lower limb and the Tribunal has erred in taking the functional disability at 8.5%. The disability is to be taken on higher side. The compensation awarded for pain and suffering and loss of amenities are on lower side. With these, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 –insurer would contend that the Tribunal has rightly taken the disability considering the 02 fractures of tibia and fibula at



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8.5%. The compensation awarded by the Tribunal on all heads are just and proper and there are no grounds for enhancement.

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

9. The accident occurred on 13.07.2020 and as on the date of accident, the claimant was aged 43 years. The claimant is running provision store. As per Ex.P6 -wound certificate, the claimant has sustained fracture of tibia and fibula. C.W.1 -doctor who examined the claimant has assessed his disability and stated that the claimant has sustained 64% disability of right lower limb. He has stated that as there is fracture of comminated displaced segment of shaft of right tibia and fibula at 3 to 4 places. C.W.1 -doctor further stated that the fractures are malunited. Considering the said evidence of C.W.1 -doctor, the disability taken by the Tribunal at 8.5% is not proper and disability is to be taken at 15%. The Tribunal has rightly



taken notional income of the injured at Rs.15,000/- per month and applied multiplier 13. In view of the same, loss of future income is calculated as under:

$$\text{Rs.15,000/-} \times 12 \times 13 \times 15\% = \text{Rs.3,51,000/-}.$$

10. Considering the fracture sustained by the claimant, the compensation awarded for pain and suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.80,000/- and loss of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.40,000/-. The Tribunal has rightly awarded medical expenses, attendant and conveyance charges and loss of income during laid up period for 03 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.	Loss of Future Income	3,51,000/-
02.	Pain and suffering	80,000/-
03.	Loss of amenities	40,000/-
04.	Medical Expenses	2,58,938/-
05.	Loss of income during laid up period	45,000/-



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06.	Attendant and conveyance charges	20,000/-
Total		7,94,938/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.7,94,938/- as against Rs.5,82,838/- with interest at the rate of 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.2,12,100/- with interest at the rate of 6% p.a. from the date of petition till realization. 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.2,12,100/- with interest at the rate of 6% p.a. from the date of petition till realization.



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- 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) The appellant –claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 1