



CNR: KAHC010592842025

NC: 2026:KHC:55004
MFA No. 6697 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.6697/2025 (MV-I)

BETWEEN:

1. SRI. SHANKARAPPA
S/O ANNAYYAPPA
AGED ABOUT 44 YEARS
R/AT NO.516, AMBEDKAR COLONY
NEAR SHANIMAHATMA TEMPLE
SARJAPURA, BENGALURU-562125.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K.T. ADV.,)

AND:

1. M/S IFFCO TOKIO GENERAL INSURANCE CO LTD
BY ITS MANAGER
NO.141, 5TH FLOOR
3RD MAIN, EAST TO NGEF LAYOUT
KASTURINAGAR, BENGALURU-560009.
2. SVT READYMIX CONCRETE
REP BY ITS PROPRIETOR
AT NO.15, THYAVAKANAHALLI VILLAGE
BIDARAGUPPE POST
SARJAPURA MAIN ROAD
ATTIBELE, BENGALURU-560125.

...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADV., FOR R1
V/O/DTD:12.09.2025, NOTICE TO R2 D/W)





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THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS ON THE FILE OF THE JUDGMENT AND AWARD PASSED BY THE CHIEF JUDGE COURT OF SMALL CAUSES AND MEMBER, PRL. MACT AT BENGALURU (SCCH-1) DATED 25.04.2025 PASSED IN MVC NO.4321/2024 AND ENHANCE THE COMPENSATION WITH COURT COSTS AND INTEREST AGAINST THE RESPONDENTS IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 25.04.2025 passed in MVC No. 4321/2024 by the Chief Judge, Court of Small Causes and Member, MACT, Bengaluru.

2. Even though the appeal is listed for 'Admission' today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 1 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained

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by him in a road traffic accident that occurred on 12.05.2024 due to the rash and negligent driving by the driver of lorry bearing registration No. KA-51-C-4450. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and sufferings	Rs.1,20,000.00
2	Medical expenses	Rs.2,98,253.00
3	Attendant conveyance and nourishment charges	Rs.15,000.00
4	Loss of income during treatment period	Rs.99,000.00
5	Loss of future income	Rs.5,54,400.00
6	Loss of amenities and future unhappiness	Rs.1,00,000.00
	Total	Rs.11,86,653.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.



5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 1 – Insurer.

6. The accident occurred on 12.05.2024 and as on the date of accident the claimant was aged 43 years. Considering the said age of the claimant, the Tribunal has applied multiplier of `14'. Notional income fixed for the year 2024 is Rs.17,000/- per month and said income is to be taken as against Rs.16,500/- taken by the Tribunal.

7. Claimant had suffered blunt injury to abdomen, splenic laceration with hemoperitoneum, blunt injury to chest with pain in shoulder.

8. P.W.2 is the Doctor who had examined the claimant, assessed his disability and stated that claimant had undergone splenectomy and usual activities of daily living cannot be performed without assistance and Class 3 Impairment of the whole man is 95%. The Tribunal has taken the functional disability at 20%. Considering the said evidence of the Doctor, function disability is to be



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taken at 30% as against 20% taken by the Tribunal. Since disability is more than 20%, future prospects at 25% is to be added. Therefore, loss of future income due to disability is calculated as under:

$$17,000 + 4,250 (25\%) = \text{Rs.}21,250/-$$

$$21,250 \times 12 \times 14 \times 30\% = \text{Rs.}10,71,000/-$$

9. Claimant is entitled to loss of future income due to disability in a sum of Rs.10,71,000/- as against Rs.5,54,400/- awarded by the Tribunal.

10. The Tribunal has not awarded interest on loss of future income due to disability. There is no basis for denying interest on loss of future income. Claimant is entitled to interest on loss of future income due to disability.

11. In view of the above, claimant is entitled to enhanced compensation of Rs.5,16,600/- (Rs.10,71,000 – Rs.5,54,400) with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is

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entitled to interest on entire compensation awarded under the head loss of future income due to disability. Respondent No.1 – Insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.5,16,600/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant – Claimant is also entitled to interest on entire compensation awarded towards loss of future income due to disability in a sum of Rs.10,71,000/- at the rate of 6% p.a. from the date of petition till the date of realization.
- d) Respondent No. 1 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.



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e) Appellant - claimant is entitled to release of 50% of the enhanced compensation and remaining 50% shall be kept in Fixed Deposit in the name of appellant in Karnataka Bank, City Civil Court Branch, Bengaluru, for a period of 3 years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 SI No.: 27
CT - MS