



CNR: KAHC010594182025

NC: 2026:KHC:42999
MFA No. 6737 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6737 OF 2025 (MV-I)

BETWEEN:

SRI. SHASHIDAR B.
S/O BEETASWAMY
AGED ABOUT 23 YEARS,
R/AT NO.222, NEAR ANGANAWADI,
BASAPPANAKATTE, RAJGOPAL NAGAR,
PEENYA 2ND STAGE, BENGALURU NORTH,
BENGALURU - 560 058.

...APPELLANT

(BY SRI. UDAYA KUMAR R.L, ADVOCATE)

AND:

1. SRI. KISHORE H.B.
S/O BASAVARAJU, MAJOR
R/AT YADUR VILLAGE, HONGAL POST,
SOMWAREPET TALUK,
KODAGU DISTRICT - 571 236.
2. SBI GEN. INSURANCE COMPANY LTD.,
GROUND AND 1ST FLOOR,
RUKUMINI TOWERS 3-1,
4PALTFARM ROAD /
RAILWAY APPROACH ROAD, SESHADRIPURAM,
BENGALURU - 560 020.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 12.09.2025, NOTICE TO R1
DISPENSED WITH)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 17.06.2025 PASSED IN MVC NO. 918/2024 ON THE FILE OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU SCCH-25, 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 17.06.2025 passed in MVC No.918/2024 by XXIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-25).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 13.01.2024



contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-12-MB-7358.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Medical expenses	Rs. 4,990/-
2.	Loss of income during treatment	Rs. 20,900/-
3.	Attendant, Food & Nourishment charges	Rs. 19,000/-
4.	Pain and suffering	Rs. 10,000/-
5.	Loss of future earning on account of disability	Rs. 8,91,000/-
	Total	Rs. 9,45,890/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation excluding the interest on Rs.8,91,000/- awarded towards loss of future earning on account of disability and directed respondent No.2/insurer to pay the



compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation and also challenging the denial of interest on the compensation awarded towards loss of future earning on account of disability.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. The Tribunal based on the evidence of the Doctor has taken the disability by 25%. Even though the disability is taken by 25%, the Tribunal has not considered the future prospects. Since the disability is 25%, future prospects are to be taken by 40%. Since the claimant is aged twenty three (23) years, the Tribunal has taken the notional income at Rs.16,500/-, but the income is to be taken at Rs.17,000/- as it is the notional income fixed for the year 2024 as per the chart prepared by the Karnataka State Legal Services Authority. The Tribunal has rightly



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applied multiplier '18'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.17,000/-} + 40\% (\text{Rs.6,500/-}) = \text{Rs.23,800/-} \times 12 \\ \times 18 \times 25\% = \text{Rs.12,85,200/-}.$$

8. As per Ex.P4 - Wound certificate, the claimant has sustained the following injuries:

- i) Fracture of right knee, communitied fracture of distal femur.
- ii) Multiple abrasions over right knee.

9. Considering the said injuries, the compensation awarded by the Tribunal for pain and sufferings in a sum of Rs.10,000/- requires to be enhanced to Rs.60,000/-.

10. The Tribunal has not awarded loss of amenities. The claimant is entitled to loss of amenities in a sum of Rs.30,000/-.

11. The claimant has been admitted in the hospital for thirty four (34) days. Considering the same, the claimant is entitled to attendant and conveyance charges



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in a sum of Rs.34,000/- (Rs.1,000/- X 34 days) as against Rs.19,000/- awarded by the Tribunal.

12. Considering the fracture of knee, the claimant has to take rest at least for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000/- X 03 months) as against Rs.20,900/- awarded by the Tribunal.

13. The Tribunal has rightly awarded medical expenses of Rs.4,990/-.

14. The Tribunal has erred in not awarding the interest on loss of future earning on account of disability. The claimant is entitled to interest on Rs.12,85,200/- awarded for loss of future earning on account of disability.

15. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Medical expenses	Rs. 4,990/-
2.	Loss of income during treatment	Rs. 51,000/-
3.	Attendant, Food & Nourishment charges	Rs. 34,000/-
4.	Pain and suffering	Rs. 60,000/-
5.	Loss of future earning on account of disability	Rs. 12,85,200/-
6.	Loss of amenities	Rs. 30,000/-
	Total	Rs. 14,65,190/-

16. The claimant is entitled to total compensation of Rs.14,65,190/- as against Rs.9,45,890/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.5,19,300/- (Rs.14,65,190/- - Rs.9,45,890/-) with interest at the rate of 6% per annum from the date of petition till realisation.

18. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

19. In view of the above, the following:



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ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.5,19,300/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount 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 with interest.*
- v) *The order of the Tribunal denying interest on loss of future earning on account of disability is **set-aside**.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 17