



CNR: KAHC010594202025

NC: 2026:KHC:43826
MFA No. 6711 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6711 OF 2025

(MV-I)

BETWEEN:

1. SRI. CHIDANANDA
S/O RANGASWAMY
AGED ABOUT 24 YEARS,
R/AT HOSKERE POST
H G AOLLARAHALLI
MADUGIRI TALUK
TUMKURU-572132

...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-571236.
2. SBI GEN INSURANCE COMPANY LTD
GROUND AND 1ST FLOOR,
RUKUMINI TOWERS 3-1
4 PALTFARM ROAD / RAILWAY
APPROACH ROAD,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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SESHADRIPURAM
BENGALURU-560020
REPRESENTED BY ITS MANAGER.

...RESPONDENTS
(BY SRI. MALLIKARJUNA REDDY, N A., ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2,
V/O DATED 31.07.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 17.06.2025
PASSED IN MVC NO.1631/2024 ON THE FILE OF THE
XXIII ADDITIONAL SMALL CAUSES JUDGE, MOTOR ACCIDENT
CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, 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 judgment and
award dated 17.06.2025 passed in MVC No.1631/2024 by
the learned 23rd Additional Small Causes Judge and
Member, Motor Accident Claims Tribunal, Bengaluru
(SCCH-25), Bengaluru.



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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/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 13.01.2024, contending that the accident occurred due to the rash and negligent driving of the driver of car bearing Regn. No.KA-12-MB-7358.

4. The Tribunal after recording evidence, appreciating the evidence on record, has assessed the compensation and awarded the compensation under various heads as under:

Sl.No.	Nature of the heads	Compensation
1	Medical expenses	Rs. 48,250.00
2	Loss of income during treatment	Rs. 19,800.00
3	Attendant, food and nourishment charges	Rs. 18,000.00



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4	Pain and suffering	Rs. 10,000.00
5	Loss of future earning on account of disability	Rs.5,34,600.00
	Total	Rs.6,30,650.00

5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent No.2/Insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation awarded has filed the present appeal.

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

7. The learned counsel for appellant would contend that the claimant has sustained five injuries. PW6/doctor examined him and assessed his disability to the whole body at 19% and disability to limb at 56%. But the Tribunal has erred in taking the disability at 15%. The Tribunal has taken the notional income at Rs.16,500/- p.m. But as per the chart prepared by Karnataka State



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Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- p.m. and that is to be taken. Considering, the injuries sustained, the claimant is entitled to loss of income during laid up period for three months. The claimant was admitted in the hospital for thirty six days, and therefore, compensation awarded towards attendant and conveyance charges etc. is on the lower side.

8. Considering the injuries sustained by the claimant, the compensation awarded towards pain and suffering, loss of income during laid up period is also on the lower side. The Tribunal has not awarded towards loss of amenities. With this, he prayed to allow the appeal.

9. The learned counsel for respondent No.2/Insurer would contend that the Tribunal has rightly taken the functional disability at 15% considering the age of the claimant as 23 years. The compensation awarded on



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all heads is just and proper, and there are no grounds for enhancement.

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

11. The appellant/claimant as per Ex.P25/wound certificate has sustained the following injuries:

- i) Complete anelxion of right ankle exposure of joint,
- ii) Crush injury of right foot, bleeding,
- iii) Lacerated wound over left knee,
- iv) Multiple abrasions over left leg and
- v) Swelling forehead and right hand and over 34d and 4th fingers.

12. Considering the said injuries, the compensation awarded at Rs.10,000/- towards pain and suffering awarded by the Tribunal requires to be enhanced to Rs.85,000/- and the claimant has to be awarded loss of amenities in a sum of Rs.50,000/-.

13. The claimant was admitted in the hospital for thirty six days, and therefore, he is entitled to attendant



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and conveyance charges in a sum of Rs.36,000/- as against Rs.18,000/- awarded by the Tribunal.

14. Considering the said injuries noted supra, the claimant has to take rest at least for three months, and therefore, he is entitled for loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000/- x 3 months) as against Rs.19,800/- awarded by the Tribunal.

15. The Tribunal has rightly awarded the medical expenses. PW6 is a doctor, who has examined the claimant and stated that the claimant has sustained 56% disability to the limb and 19% to the whole body. The Tribunal has taken the functional disability at 15%. Whenever there is a disability to a particular limb, one third of the same has to be taken as disability to the whole body, and therefore, disability to be taken is 19% as against 15% taken by the Tribunal. The Tribunal has taken the notional income since the claimant has not established his income. The Tribunal has taken national income at



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Rs.16,500/- p.m. But as per the chart, the notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- p.m. and the said income is to be taken. The Tribunal has rightly applied multiplier '18' since the claimant is aged 23 years.

16. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.17,000/-} \times 12 \times 18 \times 19\% = \text{Rs.6,97,680/-}$$

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

Sl.No.	Nature of the heads	Compensation
1	Medical expenses	Rs. 48,250.00
2	Loss of income during treatment	Rs. 51,000.00
3	Attendant, conveyance charges and etc.	Rs. 36,000.00
4	Pain and suffering	Rs. 85,000.00
5	Loss of amenities	Rs. 50,000.00
6	Loss of future income	Rs.6,97,680.00
	Total	Rs.9,67,930.00

18. The claimant is entitled to total compensation of Rs.9,67,930/- as against Rs.6,30,650/- as awarded by the



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Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,37,280/- with interest at the rate of 6% per annum from the date of petition till realisation.

19. The order of Tribunal that the claimant is not entitled to interest on loss of future income is not proper, and therefore, it is set aside. Therefore, the claimant is entitled to interest on the amount awarded towards loss of future income. The respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

20. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The claimant is entitled to enhanced compensation of Rs.3,37,280/- with interest at the rate of 6% p.a. from the date of petition till realisation.
- iii) The claimant is also entitled to interest on compensation awarded towards loss of future income.



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iv) The respondent No.2/Insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

v) The claimant is entitled to release of the entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 31