



CNR: KAHC010597262026

NC: 2026:KHC:53981
MFA No. 6367 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6367 OF 2026 (MV-I)

BETWEEN:

SRI GAJENDRA C
S/O CHIKKA MUNIYAPPA
AGED ABOUT 36 YEARS
R/AT No. 16, CHIKKRAYAPPANAHALLI
BANGALORE RURAL
BANGALORE-561 205.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. SRI KM CHETHAN
S/O M.C. MAHADEV
MAJOR
R/AT No.154, 7TH CROSS
NEHRU NAGAR, SATHAGALLI LAYOUT
MYSORE-570 019.

RC OWNER OF TRACTOR BEARING
No.KA-16/F-2177.

2. THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
KRISHI BHAVAN, 6TH FLOOR
NRUPATHUNGA ROAD
BANGALORE-560 001.



Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010597262026

NC: 2026:KHC:53981
MFA No. 6367 of 2026

JPG POLICTY No.076P 101319505
DATED 12.05.2022 TO 11.05.2023.

...RESPONDENTS

(BY SRI C SHANKAR REDDY, ADVOCATE FOR R2
V/O DTD. 07.09.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:10-06-2026 PASSED
IN MVC No.3917/2023 ON THE FILE OF THE VII ADDITIONAL SCJ
AND ACJM, MEMBER, MACT-3, BENGALURU 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 10.06.2026 passed in MVC No.3917/2023 by the
VII Additional Judge, Court of Small Causes, Member, MACT-
3, Bengaluru.

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.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



CNR: KAHC010597262026

NC: 2026:KHC:53981
MFA No. 6367 of 2026

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 10.04.2023 contending that the accident occurred due to rash and negligent driving of the driver of Tractor bearing Regn.No.KA-16-T-2177. The Tribunal after recording the 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.	Loss of future income	3,99,360/-
02.	Pain and sufferings	30,000/-
03.	Attendant charges, extra nutritious food and conveyance charges	30,000/-
04.	Medical expenses	71,746/-
05.	Loss of future amenities and unhappiness	30,000/-
06.	Loss of income during laid up period	32,000/-
07.	Future medical expenses	30,000/-
	Total	6,23,106/-

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



NC: 2026:KHC:53981
MFA No. 6367 of 2026

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. The accident occurred on 10.04.2023 and as on the date of accident, the claimant was aged 33 years. Considering the said age, the Tribunal has rightly applied multiplier '16'. The Tribunal has taken the disability to the whole body at 13% and the appellant is not disputing the same.

7. The appellant/claimant is stated to be Airport Taxi driver earning Rs.25,000/- p.m. Since no income proof is produced, the Tribunal has taken the notional income of Rs.16,000/- p.m. Ex.P12 is the driving license of the claimant wherein he is authorized to drive light motor vehicle. The claimant is stated to be Airport Taxi driver. Therefore, his income is to be taken higher than the notional income fixed for an unskilled labourer. Therefore, the income of the

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



CNR: KAHC010597262026

NC: 2026:KHC:53981
MFA No. 6367 of 2026

claimant is taken at Rs.18,000/- p.m. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.18,000} \times 12 \times 16 \times 13\% = \text{Rs.4,49,280/-}$$

8. The claimant has sustained open communitied fracture of the right patella with retinacula injury. Considering the said injury sustained by the claimant, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.50,000/- and loss of amenities in a sum of Rs.30,000/- is enhanced to Rs.40,000/-. The Tribunal has rightly awarded compensation towards attendant and conveyance charges in a sum of Rs.30,000/- and medical expenses in a sum of Rs.71,746/- and future medical expenses of Rs.30,000/-. Considering the said injury sustained by the claimant and his occupation as Airport Taxi driver, he has to take rest atleast for 3 months. Therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.54,000/- (Rs.18,000 x 3 months) as against Rs.32,000/- awarded by the Tribunal.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



CNR: KAHC010597262026

NC: 2026:KHC:53981
MFA No. 6367 of 2026

9. 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	4,49,280/-
02.	Pain and suffering	50,000/-
03.	Loss of amenities	40,000/-
04.	Attendant and conveyance charges	30,000/-
05.	Loss of income during laid up period	54,000/-
06.	Future medical expenses	30,000/-
07.	Medical expenses	71,746/-
	Total	7,25,026/-

10. Considering the above aspects, the claimant is entitled to total compensation of Rs.7,25,026/- as against Rs.6,23,106/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,01,920/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:

ORDER

i) The appeal is allowed in part.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA



NC: 2026:KHC:53981
MFA No. 6367 of 2026

CNR: KAHC010597262026

- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,01,920/- with interest @ 6% p.a. from the date of petition till realization.
- 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) Appellant/claimant is entitled to release of entire enhanced compensation.

Learned counsel for respondent No.2 is permitted to file vakalath within one week.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNARAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 39
Ct.sm