



CNR: KAHC010608312025

NC: 2026:KHC:47071
MFA No. 6928 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6928 OF 2025

(MV-I)

BETWEEN:

MR CHINNAPPA K M
S/O MUTHANNA
AGED ABOUT 45 YEARS
R/AT GALIBEEDU VILLAGE AND POST
MADIKERI TALUK – 571 201.
KODAGU DISTRICT.

...APPELLANT

(BY SRI RANJAN KUMAR K M, ADVOCATE)

AND:


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

1. MR CHANDRASHEKAR
S/O SOMAPPA
AGED ABOUT 43 YEARS
R/AT 2ND MAIN ROAD, 4TH CROSS
B.M.SRI NAGARA, METAGALLI
MYSORE – 570 001.
2. THE MANAGER
H.D.F.C. E.R.G.O.,
GENERAL INSURANCE COMPANY LTD.,
6TH FLOOR, LEELA BUSINESS PARK



CNR: KAHC010608312025

NC: 2026:KHC:47071
MFA No. 6928 of 2025

ANDERI, KURLA ROAD, ANDERI EAST
MUMBAI
MAHARASTRA - 400 059.

...RESPONDENTS

(BY SRI D VIJAY KUMAR, ADVOCATE FOR R2
V/O DTD. 11.06.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:28.04.2025
PASSED IN MVC No.73/2022 ON THE FILE OF THE I
ADDITIONAL DISTRICT JUDGE AND MACT, KODAGU,
MADIKERI, 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 28.04.2025 passed in MVC No.73/2022 by
the I Additional District Judge and MACT, Kodagu,
Madikeri.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



NC: 2026:KHC:47071
MFA No. 6928 of 2025

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 12.06.2021 contending that the accident occurred due to rash and negligent driving of the driver of Ashok Leyland lorry bearing Regn.No.KA-40-3298. 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.	Towards medical expenses	1,25,000/-
02.	Towards loss of future earning capacity due to disability	2,85,600/-
03.	Towards conveyance	5,000/-
04.	Towards attendance charges, food and nourishment	19,000/-
05.	Towards loss of earning during laid-up period	51,000/-
06.	Towards pain and sufferings	70,000/-
07.	Towards future medical expenses	50,000/-
	Total	6,05,600/-



CNR: KAHC010608312025

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 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 claimant has sustained 8 fractures and considering the same the compensation awarded towards pain and suffering and loss of amenities is on lower side. CW.1- Doctor who has examined the claimant has assessed his disability and stated that the disability to the whole body is 25% and the Tribunal has taken the disability at 10% which is on lower side. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Doctor has rightly taken the



CNR: KAHC010608312025

disability at 10% since the major injuries are on the face. The compensation awarded by the Tribunal on all heads is 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 claimant has sustained the following injuries:

- Right femur sub trochanteric fracture (Russell taylor type IV)
- Right femur mid shaft fracture (AO classification 32 C1)
- Left calcaneum tongue type fracture
- Fracture of base of left 4th metacarpal bone
- Undisplaced fracture of lateral wall of right orbit+medial wall fracture of left orbit
- Anterior wall of left maxillary sinus fracture
- Fracture of symphysis of mandible
- Outer table and inner table fracture of frontal bone.

10. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a



sum of Rs.50,000/- requires to be enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.50,000/-.

11. CW.1 is the Doctor who has assessed the disability at 25% to the whole body and the Tribunal has taken 10% disability. CW.1 even though is a treated Doctor but has not issued the disability certificate. Considering that the major injuries are on the face, the Tribunal has rightly taken the disability at 10%. The Tribunal has rightly taken the notional income and applied multiplier '14'. Considering the same, the loss of future income awarded by the Tribunal is just and proper.

12. The claimant has been admitted in the hospital for 19 days and considering the same, the compensation awarded towards attendant, food and nourishment in a sum of Rs.19,000/- is just and proper. Even the Tribunal has awarded future medical expenses in a sum of Rs.50,000/-. Considering the evidence of CW.1 - Doctor,



the award of future medical expenses in a sum of Rs.50,000/- is also just and proper.

13. In view of the above, the claimant is entitled to enhanced compensation of Rs.80,000/- 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.

14. 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.80,000/- 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.



NC: 2026:KHC:47071
MFA No. 6928 of 2025

CNR: KAHC010608312025

- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 44
Ct.sm