



CNR: KAHC010629012023

NC: 2026:KHC:43761
MFA No. 7915 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.7915 OF 2023(MV-I)

BETWEEN:

MR. MALLESH,
S/O CHANDRAIAH,
NOW AGED ABOUT 50 YEARS,
R/AT MARUTIPURA,
BELLUR HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 418.

...APPELLANT

(BY SRI. RANGEGOWDA N R., ADVOCATE)

AND:

1. JAYAMMA,
W/O KARIYAPPA,
AGED MAJOR,
RESIDING AT NO.29,
MADHEGOWDANADODDI VILLAGE,
LAKSHMIPURA POST,
RAMANGARA DISTRICT - 561 201.

2. ACKO GENERAL INSURANCE CO., LTD.,
REP BY ITS MANAGER,
NO.9, 17TH 'A' MAIN ROAD,
NEAR SUKH SAGAR,
RESTAURANT, 5TH BLOCK,
KORAMANGALA,
BANGALORE - 560 095.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 17.08.2026 NOTICE TO R1 IS
DISPENSED WITH)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:01.09.2023 PASSED IN MVC NO. 5887/2021 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is by claimant seeking enhancement of compensation arising out of judgment and award dated 01.09.2023, in MVC.No.5887/2021 passed by the III Additional Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-18)¹.

2. Heard Sri.Range Gowda.N.R, learned counsel for the claimant and Sri.B.Pradeep, learned counsel for respondent No.2-Insurer. Vide order dated 17.08.2026,

¹ "Tribunal" for short



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notice of this appeal is dispensed with in respect of respondent No.1.

3. The parties are referred to as per their ranking before the Tribunal.

4. Sri.Rangegowda, vehemently submits that the claimant has suffered two fractures i.e., communitied displaced fracture of shaft of PVA and fibula along with other injuries. Totally 6 in numbers. He was an in-patient for a period of 14 days and underwent surgery implants were inserted. The Doctor who has been examined has stated that the total limb divisibility is at 42% and the whole body at 14%. However the Tribunal has considered it as 10%, though applied proper income. He further submits that the compensation awarded under the head loss of income during laid-up period, attendant, nourishment and conveyance charges, loss of amenities are inadequately awarded and requires reconsideration.



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5. Sri.B.Pradeep, though argued in support of the judgment and award passed by the Tribunal, however he is not in serious dispute with the fracture suffered and the evidence of the Doctor.

6. Having considered the rival submissions and perusal of award passed by the Tribunal, this Court is of the opinion that the compensation awarded under loss of future income, loss of income during laid-up period, attendant nourishment, conveyance charges and loss of amenities requires reconsideration.

7. The Tribunal in the teeth of evidence adduced by the Doctor - PW.3, stating 14% disability to the whole body and 42% to the particular limb, however considered only 10% which is against the medical evidence. The claimant is an agricultural coolie. In that view of the matter, if the disability is taken at the rate of 15% to the whole body, the same would meet the ends of justice.



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8. Accordingly, this Court proceed to reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and Suffering	75,000-00	75,000-00
2.	Loss of income during laid-up period and rest period	15,000-00	60,000-00 (15,000x4)
3.	Medical expenses	36,142-00	36,142-00
4.	Attendant, Nourishment and Conveyance Charges	10,000-00	20,000-00
5.	Loss of future income	2,52,000-00	3,78,000-00 (15,000x12x14x15%)
6.	Loss of amenities	20,000-00	50,000-00
7.	Future medical expenses	20,000-00	20,000-00
	TOTAL	4,28,142-00	6,39,142-00

9. The claimants are entitled for enhanced compensation of **Rs.2,11,000/-** (Rs.6,39,142-Rs.4,28,142) with interest at the rate 6% interest per annum from the date of petition till realization.

10. For the foregoing reasons, this Court proceedings pass the following:



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 01.09.2023 passed by the Tribunal in MVC.No.5887/2021 is modified and enhanced to **Rs.2,11,000/-** with interest at the rate of 6% per annum from the date of petition till realization.
- (iii) Respondent No.2-Insurer shall deposit the entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.
- (iv) Upon deposit the entire amount is ordered to be released in favour of the claimant on proper identification.



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(v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.

(vi) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 2
ct-vn