



CNR: KAHC010635112025

NC: 2026:KHC:46666
MFA No. 7206 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7206 OF 2025 (MV-I)

BETWEEN:

S. LOKESHA,
S/O SHIVANNAGOWDA
AGE ABOUT 45 YEARS
R/A BELLALE VILLAGE,
MELUKOTE HOBLI,
PANDAVAPURA TALUK
MANDYA DISTRICT - 571 434.

...APPELLANT

(BY SRI. VIJAY KUMAR T, ADVOCATE)

AND:

1. BABY,
W/O MANJU
AGE ABOUT 42 YEARS
R/A JANATHA SKET
CHINAKURALI VILLAGE,
CHINAKURALI HOBLI,
PANDAVAPURA TALUK
MANDYA DISTRICT - 571 434.

2. THE MANAGER
CHOLA MS GENERAL INSURANCE CO. LTD.,
SIGMA COMPLEX, 1ST FLOOR
NO. C1, NEW KANTHARAJ URS ROAD,
KUVEMPU NAGAR,
MYSURU - 570 001.

...RESPONDENTS

(BY SRI. H.C. BETSUR, ADVOCATE FOR R2;
VIDE ORDER DATED 18.12.2025, NOTICE TO R1 D/W)

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. 20.02.2025 PASSED IN MVC NO. 291/2023 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND MACT, PANDAVAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, 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 20.02.2025 passed in MVC No.291/2023 by Additional Senior Civil Judge and MACT, Pandavapura.

2. Even though the appeal is listed today for orders, it is taken up for disposal with a consent of learned counsel for appellant and learned counsel for respondent No.2/insurer.



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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 13.01.2023 contending that the accident occurred due to rash and negligent riding of rider of bike bearing registration No.KA- 11-EQ-4832.

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

Sl. No.	Heads	Amount
1	Towards Pain and Suffering	Rs.40,000.00
2	Towards Medical Expenses	Rs.79,044.00
3	Towards Future Medical Expenses	Rs.25,000.00
4	Towards Medical Attendant & Conveyance charges	Rs.15,000.00
5	Towards Diet & Nourishment	Rs.15,000.00
6	Towards Loss of future income	Rs.2,21,447.52
7	Towards Loss of income during laid up period	Rs.35,949.48
8	Towards Loss of Amenities	Rs.10,000.00
	Total	4,41,441.00



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5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition, till date of 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.

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

7. Learned counsel for appellant would contend that the accident has taken place in the year 2023 and notional income fixed for the said year is Rs.16,250/- and that is to be taken as against income taken by the tribunal. The tribunal has rightly taken disability at 11% and applied multiplier 14. He further submits that considering the injuries sustained, the compensation awarded for pain and suffering, loss of amenities are on lower side. The claimant has been admitted in the hospital for 4 days and considering the injuries/fractures sustained, the claimant has to take rest for 3 months and tribunal has rightly awarded loss of income during laid up period for 3 months with this, he prayed to allow the appeal.



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8. Learned counsel for responded No.2/insurer would contend that the compensation awarded by the tribunal on all heads is just and proper and there are no grounds for enhancement.

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

10. The accident occurred on 13.01.2023 and as on the date of accident the claimant was aged 44 years. The tribunal considering the age of the claimant has rightly taken multiplier '14'. The notional income fixed for the year 2023 by Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against the Rs.10,983/- taken by the tribunal.

11. Considering the evidence of PW2-Doctor, the tribunal has rightly taken the disability at 11%. In view of the above, the loss of future income is calculated as under

$$\text{Rs.16,250} \times 12 \times 14 \times 11\% = 3,00,300/-.$$

12. The claimant has sustained fracture of right Montegia (Periprosthetic) fracture and right great toe fracture and



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considering the said injuries, the compensation awarded by the tribunal for pain and suffering in a sum of Rs.40,000/- requires to be enhanced to Rs.50,000/- and loss of amenities awarded in a sum of Rs.10,000/- requires to be enhanced to Rs.30,000/- . The claimant has been admitted in hospital for 4 days and therefore claimant is entitled to Attendant, conveyance charges, food, nourishment etc., in a sum of Rs.4,000/- as against Rs.15,000/- awarded towards medical attendant, conveyance charges and 15,000/- awarded towards diet and nourishment.

13. The tribunal has rightly awarded 3 months income as loss of income during laid up period. As now income taken is Rs.16,250/-, the claimant is entitled to loss of income during laid up period in a sum of Rs.48,750/-x(16,250x3).

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

Sl. No.	Heads	Amount
1	Loss of future income	3,00,300.00
2	Pain and suffering	50,000.00



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3	Medical expenses	79,044.00
4	Future medical expenses	25,000.00
5	Attendant, Conveyance charges, Food and nourishment	4,000.00
6	Loss of income during laid up period	48,750.00
7	Loss of amenities	30,000.00
	Total	5,37,094.00

15. The claimant is entitled to total compensation of Rs.5,37,094/- as against Rs.4,41,441/- as awarded by the tribunal with interest. Consequently, the claimant is entitled to an enhanced compensation of Rs.95,653/- with interest at the rate of 6% per annum from the date of petition till realisation.

16. The respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

17. 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.95,653/- with interest at the



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rate of 6% per annum from the date of petition
till realisation.

- iii. The respondent No.2/Insurer shall deposit the enhanced compensation with interest before the tribunal within a period of 6 weeks from this day.
- iv. The appellant/claimant is entitled to release of the entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

VS
List No.: 1 Sl No.: 6