



CNR: KAHC010650102025

NC: 2026:KHC:53177
MFA No. 7407 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7407 OF 2025

(MV-I)

BETWEEN:

GIRIJA
W/O BOJARAJA
AGED ABOUT 35 YEARS
R/A DODDA BAGANAHALLI VILLAGE
KASABA HOBLI, HASSAN – 573 201.

...APPELLANT

(BY SRI. KAVITHA H C, ADVOCATE)

AND:

1. AADIL PASHA
S/O ANWAR JHON
R/A AMBEDKAR NAGARA
BEHIND KPTCL, HASSAN – 573 201.
(OWNER OF THE GOODS VEHICLE BEARING
REG No. KA-13-C-8225).
2. THE MANAGER
HDFC IRGO GENERAL
INSURANCE CO. LTD.,
REGIONAL OFFICE
No.110 H M GENEVA HOUSE

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JUDGE, HIGH COURT OF KARNATAKA





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CUNNINGHAM ROAD
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 11.06.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:02.05.2025
PASSED IN MVC No.852/2021 ON THE FILE OF THE V
ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN,
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 02.05.2025 passed in MVC No.852/2021 by
the V Additional District Judge and Additional MACT,
Hassan.

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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 made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 20.07.2021 contending that the accident occurred due to rash and negligent driving of the driver of Ashok Leyland goods vehicle bearing Regn.No.KA-13-C-8225. 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.	Future loss of income	2,79,000/-
02.	Loss of income during laid up period	16,000/-
03.	Medical expenses	1,17,144/-
04.	Future medical expenses	90,000/-
05.	Pain and sufferings	30,000/-
06.	Attendant charges	15,000/-
07.	Conveyance charges	10,000/-
08.	Nourishment charges	10,000/-
09.	Loss of amenities	10,000/-

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10.	Loss of life expectancy	20,000/-
	Total	5,97,144/-

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. The accident occurred on 20.07.2021 and the claimant is aged 37 years as on the date of the accident. The occupation of the claimant is stated to be Proprietor of petty shop. The Tribunal considering the age of the claimant rightly applied multiplier '15' and considering the year of the accident has rightly taken the notional income at Rs.15,000/- p.m.

7. The claimant has sustained the following injuries:

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- Severe pelvic injury with complete disathesis of public syphysis with restroperitoneal hematoma.
- Fracture illium publics
- Sine injury fracture sacrum and coccyx
- Blunt injury abdomen
- Chest injury
- Head injury

8. PW.2 – Doctor has stated that injuries 1 to 4 are grievous injuries and others are simple injuries. Considering the said injuries sustained by the claimant the compensation awarded towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.10,000/- is enhanced to Rs.70,000/-. Considering the injuries sustained, the claimant has to take rest atleast for six months and therefore, entitled to loss of income during laid up period in a sum of Rs.90,000/- (15,000 x 6 months) as against Rs.16,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.1,17,144/-, future

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medical expenses of Rs.90,000/-, attendant charges of Rs.15,000/-, conveyance charges of Rs.10,000/-, nourishment charges of Rs.10,000/- and loss of life expectancy in a sum of Rs.20,000/-.

9. PW.2 is the Doctor who has examined the claimant and assessed her disability and stated that the claimant has sustained 12% disability to the lower limb and 20% to the spine. Considering the evidence of Doctor, the Tribunal has taken disability to the whole body at 10.33%. Considering the disability to the spine and the lower limb, the functional disability is to be taken into consideration and therefore, the functional disability is taken at 15%. In view of the above, the loss of future income due to disability is calculated as under:

$$\text{Rs.15,000} \times 12 \times 15 \times 15\% = \text{Rs.4,05,000/-}$$

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

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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income due to disability	4,05,000/-
02.	Pain and suffering	1,00,000/-
03.	Loss of amenities	70,000/-
04.	Loss of income during laid up period	90,000/-
05.	Medical expenses	1,17,144/-
06.	Future medical expenses	90,000/-
07.	Attendant charges	15,000/-
08.	Conveyance charges	10,000/-
09.	Nourishment charges	10,000/-
10.	Loss of life expectancy	20,000/-
	Total	9,27,144/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.9,27,144/- as against Rs.5,97,144/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,30,000/- 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.

12. In view of the above, the following:

ORDER

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- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.3,30,000/- 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.
- iv) The appellant/claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 21
Ct.sm