



CNR: KAHC010657682023

NC: 2026:KHC:43062
MFA No. 8267 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.8267 OF 2023(MV-I)

BETWEEN:

SRI. NIRVANOJIRAO,
S/O PUTTOJI RAO,
AGED ABOUT 59 YEARS,
R/AT CHANDANAHALLI,
MALEGERE,
HASSAN DISTRICT – 573 215.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN., ADVOCATE)

AND:

1. THE MANAGER,
ACK GENERAL INSURANCE
CO., LTD., MVC HUB NO.36/5,
HUSTLEHUB ONE EAST,
SOMASANDRA PALYA,
27TH MAIN ROAD,
SECTOR 2 HSR LAYOUT,
BENGALURU - 560 102.
(POLICY ISSUED BY ITS OFFICE IN
POLICY NO DCAR 00407984443/00
DATE OF VALIDITY FROM 18/07/2021
TO 17/07/2022)

Digitally
signed by
REKHA R
Location:
High Court of
Karnataka



NC: 2026:KHC:43062
MFA No. 8267 of 2023

2. SMT. SHEETAL M.,
W/O VARUN D.P.,
AGED ABOUT 41 YEARS,
R/AT NO. 393,
MADHUR NIVAS,
6TH MAIN , BILEKAHALLI,
VIJAYA BANK COLONY,
BENGALURU - 560 076.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR
SRI. PRADEEP B., ADVOCATE FOR R1,
VIDE ORDER DATED 13.08.2026 NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:02.08.2023 PASSED IN MVC NO.3784/2022 ON THE
FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE AND
ACMM, MEMBER-MACT, BENGALURU (SCCH-5), 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 T.M.NADAF



CNR: KAHC010657682023

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement of compensation, arising out of Judgment and award dated 02.08.2023 passed by the VIII Addl. Small Causes Judge and the Motor Accident Claims Tribunal (SCCH-5), Bengaluru ¹in MVC No.3784/2022.

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

3. Heard, Sri.Naik Krishna Venkataraman, learned counsel appearing for the appellant/claimant and Sri.B.C.Shivanne Gowda, learned counsel appearing for Sri.B.Pradeep, learned counsel for respondent No.1/ Insurer. Notice to respondent No.2 is dispensed with vide order dated 13.08.2026.

4. Sri.Naik Krishna Venkataraman, learned counsel appearing for the claimant submits that the claimant a Sexagenerian (63 years), suffered injury i.e., Right knee

¹ 'the Tribunal', for short



CNR: KAHC010657682023

anterior dislocation, IDK right knee ALL, PLL tear and injuries to other parts of the body, was an in-patient for six days and underwent surgery in the form of closed reduction done under general anesthesia. The Tribunal in the teeth of evidence of PW.2- Doctor on disability of right lower limb at 40% and whole body at 30%, had considered it at 10% and awarded compensation under loss of future income, which is against the medical evidence. Learned counsel further submits that the compensation awarded under head 'Pain and Suffering', 'Conveyance, nourishment and attendant charges', 'Loss of amenities in life' and 'Loss of income during laid up period' are on the lower side and requires enhancement.

5. In contrast, Sri.B.C.Shivanne Gowda, learned counsel appearing for the Insurer submits that the Tribunal after considering the age and the injury, had properly considered the disability at 10% and awarded appropriate compensation. As such the same does not call for any interference and sought to dismiss the appeal.



CNR: KAHC010657682023

NC: 2026:KHC:43062
MFA No. 8267 of 2023

6. Having considered the rival submissions, the evidence of the Doctor and looking into the compensation awarded under the heads, which are now sought to be enhanced, this Court is of the opinion that the compensation awarded by the Tribunal is inadequate when compared to injury and evidence of the Doctor. In that view of the matter, this Court proceeds to re-assess the compensation, which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of future income	1,30,200-00	1,69,260-00 (15,500x12x7x13%)
2.	Pain and Sufferings	15,000-00	25,000-00 (15,000+10,000)
3.	Conveyance, nourishment and attendant charges	15,000-00	20,000-00 (15,000+5,000)
4.	Medical Expenses	73,431-00	73,431-00
5.	Loss of amenities in life	15,000-00	35,000-00 (15,000+20,000)
6.	Loss of income during laid up period	31,000-00	46,500-00 (15,500x3)
7.	Future Medical expenses	20,000-00	20,000-00
	TOTAL	2,99,631-00	3,89,191-00



CNR: KAHC010657682023

7. Accordingly, the claimant is entitled for enhanced compensation of Rs.89,560/-, rounded off at **Rs.90,000/-** (3,89,191 - 2,99,631), which shall carry interest @ 6% per annum from the date of petition till realization.

8. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 02.08.2023 passed by the VIII Addl. Small Causes Judge and the Motor Accident Claims Tribunal (SCCH-5), Bengaluru in MVC No.3784/2022 is modified and the compensation is reassessed.
- (iii) The Claimant is entitled for enhanced compensation of **Rs.90,000/-** with



NC: 2026:KHC:43062
MFA No. 8267 of 2023

CNR: KAHC010657682023

interest @ 6% per annum from the date of
petition till realization.

- (iv) Respondent No.1 - Insurer shall deposit
the entire enhanced compensation along
with interest supra before the concerned
Tribunal within six weeks from the date of
receipt of certified copy of this order.
- (v) Upon deposit, the entire amount shall be
released in favor of the claimant after due
identification.
- (vi) The Trial Court Record secured, if any,
shall be transmitted forthwith to the
concerned Tribunal.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 5
ct-vn