



CNR: KAHC010669812025

NC: 2026:KHC:40464
MFA No. 7641 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7641 OF 2025

(MV-I)

BETWEEN:

SHRI SWAMY
S/O. LATE MAHADEVAPPA
AGED ABOUT 39 YEARS
R/A.No.148, CHAVADI BEEDI
PUTTEGOWDANAHUNDI VILLAGE
DODDAGERE POST, VARUNA HOBLI
MYSURU TALUK AND DISTRICT-570 010.

...APPELLANT

(BY SRI SANATH KUMARA K.M, ADVOCATE)

AND:

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

1. SHRI HEMANTH KUMAR H S
S/O SHEKHARAPPA
AGED ABOUT 42 YEARS
R/A.HOSAKOTE VILLAGE
NANJANAGUDU TALUK
MYSORE DISTRICT.
PIN – 571 301.
2. THE DIVISIONAL MANAGER
MAGMA HDI GENERAL INSURANCE CO. LTD.
No.36, J. C. ROAD
MINERVA CIRCLE HM
JOURNALIST COLONY



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KASALIPALYA
BENGALURU-560 002.
SARASWATHIPURAM
MYSURU-570 009.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2
V/O DTD. 09.01.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:19.02.2025
PASSED IN MVC No.943/2023 ON THE FILE OF THE PRINCIPAL
SMALL CAUSES AND SENIOR CIVIL JUDGE AND MACT,
MYSURU, 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 19.02.2025 passed in MVC No.943/2023 by
the Principal Small Causes and Senior Civil Judge and
MACT, Mysuru.



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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/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 14.04.2023 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-09-JD-2161. The Tribunal after recording the evidence, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and suffering	25,000.00
02.	Towards Medical expenses	72,900.00
03.	Towards diet, food, nourishment, attendant and conveyance charges	20,000.00
04.	Towards loss of future earning capacity	2,30,400.00
05.	Loss of income during laid up period	48,000.00
06.	Towards loss of amenities	15,000.00



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07.	Towards future medical expenses	20,000.00
	Total	4,31,300.00

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 fracture of tibia and fibula of the left leg and puncture wound abrasions at distal of the left lower limb. PW.2 – Doctor who examined the claimant assessed disability to the lower limb at 34.8% and Tribunal erred in taking disability to the lower limb at 24% and disability to the whole body at 8%. The notional income for the year 2023 is Rs.16,250/- and Tribunal has taken Rs.16,000/- p.m. The compensation awarded for



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pain and suffering, loss of amenities and future medical expenses are on lower side. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the Tribunal has rightly considered the evidence of Doctor and rightly taken the disability to the whole body at 8%. The compensation awarded under 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, award and trial Court records.

9. As per Ex.P5, wound certificate the claimant has sustained fracture of tibia and fibula of left leg and puncture wound abrasions at distal of left lower limb. PW.2 is the Doctor who has treated the claimant and examined him and assessed his disability and stated that disability to the left lower limb is 34.8%. The Tribunal without any reason has taken the disability of left lower



limb at 24% and whole body at 8%. The disability to the whole body is to be taken at 1/3rd of particular limb. Therefore, the disability to the whole body is to be taken at 11%. The notional income as per the chart prepared by the Karnataka State Legal Services Authority for the year 2023 is Rs.16,250/- and the same has to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier '15'. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.16,250} \times 12 \times 15 \times 11\% = \text{Rs.3,21,750/-}$$

10. Considering the injuries sustained by the claimant noted supra, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.25,000/- requires to be enhanced to Rs.80,000/- and loss of amenities awarded in a sum of Rs.15,000/- requires to be enhanced to Rs.50,000/-. The Tribunal has awarded loss of income during laid up period for three months at Rs.48,000/- Now that the income is taken at Rs.16,250/-,



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the compensation towards loss of income during laid up period would be Rs.48,750/- (Rs.16,250 x 3 months) as against Rs.48,000/- awarded by the Tribunal. The claimant has to undergo surgery for removal of implant. Considering the same, the compensation awarded towards future medical expenses in a sum of Rs.20,000/- requires to be enhanced to Rs.30,000/-. The compensation awarded towards medical expenses and food, nourishment, attendant and conveyance charges are just and proper. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and suffering	80,000.00
02.	Towards Medical expenses	72,900.00
03.	Towards diet, food, nourishment, attendant and conveyance charges	20,000.00
04.	Towards loss of future earning capacity	3,21,750.00
05.	Loss of income during laid up period	48,750.00
06.	Towards loss of amenities	50,000.00
07.	Towards future medical expenses	30,000.00
	Total	6,23,400.00



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11. Considering the above aspects, the claimant is entitled to total compensation of Rs.6,23,400/- as against Rs.4,31,300/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,92,100/- 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.

13. 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.1,92,100/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest within a period of six weeks from this day.



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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 48
Ct.sm