



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

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.7851 OF 2024(MV-I)

BETWEEN:

KUMARI GEETHA M.,
D/O MADHAVAN @ MADAN,
NO. 27 SANJAY GANDHINAGAR,
KGF, BEHIND LIC OFFICE,
BANGARPET, ROBERTSONPET,
KOLAR DISTRICT- 563 122.

PRESENT ADDRESS
NO.36, 4TH CROSS, LAZAR ROAD,
FARAZER TOWN, BENGALRUU

APPELLANT BEING MINOR
REP BY HER MOTHER
NATURAL GUARDIAN,
SMT. MAGESHWARI
W/O MADHAVAN.

...APPELLANT

(BY SRI. GIRIMALLAIAH., ADVOCATE)

AND:

1. IFFCO TOKIO GENERAL
INS.COM. LTD.,
NO.141, SHANTI TOWERS, 5TH FLOOR,
KASTURINAGAR,
EAST OF NGEF LAYOUT,
BENGALURU - 560 043.
BY ITS MANAGER

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

2. DEEPAK ANNAMALAI P.,
S/O PUNNIYA MURTHY, MAJOR,
(AGE OF R2 IS NOT KNOWN TO APPELLANT)
NO.51 MEENAM FLATS,
JYOTHINAGAR,
SUBASH NAGAR EXTENSION,
KOLATHUR, CHENNAI,
TAMIL NADU - 600 009.

...RESPONDENTS

(BY SRI. B. PRADEEP., ADVOCATE FOR R1,
VIDE ORDER DATED 10.04.2026, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:01.10.2024 PASSED IN MVC NO.5786/2022 ON THE
FILE OF THE XXII ADDITIONAL SCJ AND ACJM, MEMBER,
MACT, BENGALURU SCCH-24, 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 T.M.NADAF



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement of compensation arising out of judgment and award dated 01.10.2024 in MVC.No.5786/2022 passed by the XXII Additional SCJ and ACJM, Member MACT, Bengaluru SCCH-24, in respect of injuries suffered and disability resulted to a minor girl, aged 12 years, in the accident occurred on 05.07.2022¹.

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

3. Heard, Sri.Girimallaiah, learned counsel appearing for the claimant and Sri. B.Pradeep, learned counsel appearing for respondent No.1-Insurer. Vide order dated 10.04.2026, notice to respondent No.2 is dispensed with.

4. Sri.Girimallaiah, relying on the judgment of Hon'ble Supreme Court in **HITESH NAGJIBHAI PATEL**

¹ 'Tribunal' for short



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

VS. BABABHAI NAGJIBHAI RABARI AND ANOTHER²,

and sought to enhance the compensation. In the Judgment, the Hon'ble Supreme Court at paragraph No.9 of the judgment has stated that the monthly income of a minor, must be considered on the notional income of a person fixed in minimum wages. Further, the Hon'ble Supreme Court has considered to award Rs.3,00,000/- towards 'loss of marriage prospectus' and 'pain and suffering' at Rs.5,00,000/- and 'loss of amenities' at Rs.2,00,000/- and enhanced the compensation. Further, the Hon'ble Supreme Court has further enhanced the compensation of Rs.8,65,000/- awarded by the High Court to Rs.35,90,489/-.

5. Per contra, Sri.B.Pradeep, refuting the submissions of Sri.Girimallaiah submits that, the case involved in the case of ***HITESH*** supra involved is amputation of a limb of a minor. In that view of the

² 2025 SCC Online SC 3446



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

matter, the Hon'ble Supreme Court, after considering the entire evidence placed on record awarded such compensation. In the case on hand, it is the case of fracture, no doubt the fracture has resulted 70% to the particular limb and 23% to the whole body as stated by the doctor.

6. Learned counsel further submits that, the Tribunal after relying on the judgment of the Hon'ble Supreme Court in the case of ***MALLIKARJUN VS DIVISIONAL MANAGER, NATIONAL INSURANCE COMPANY LIMITED AND ANOTHER³*** awarded compensation of Rs.3,00,000/- towards pain and suffering, future mental and physical shock, hardship, inconvenience on account of permanent disability and in all awarded Rs.5,60,500/- and sought to dismiss the appeal.

³ (2014) 14 SCC 396



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

7. Having considered the rival submissions, this Court has perused the entire appeal papers as well as trial Court record.

8. In paragraph Nos.9 and 13, the Hon'ble Supreme Court in the case of **HITESH** stated supra, laid down the law that, even in the case of minor, the disability resulting in loss of future earning may be considered applying the notional income of a person under minimum wages. Given the facts and circumstances of the case, this Court is duty bound to consider the adequate compensation, within four of concept of just compensation.

9. Having considered the peculiar facts and circumstances involved in this case, wherein the multiple fractures resulted in confining the minor for 68 days in hospital on various occasions, subjecting her to various surgeries and the doctor's evidence stating 70% to the particular limb and 23.3% to the whole body. This Court is



CNR: KAHC010680532024

of the opinion that, if the income fixed under the chart for the year 2022 at Rs.15,500/- per month as notional income is considered, while assessing the compensation towards loss of future income taking the disability at 23% with 40% towards future prospectus and multiplier at 15, considering the age below 15 years, as per **SARLA VERMA AND OTHERS VS. DELHI TRANSPORT CORPORATION AND ANOTHER⁴**, would meet the ends of justice.

10. Having considered the fractures resulting in such a disability, definitely will take away the future good marital prospectus of minor girl and affect her life. In that view of the matter, this Court is of the opinion that the compensation awarded by the Tribunal requires reconsideration and reassessment.

⁴ 2009 ACJ 1298



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

11. Accordingly, this Court proceed to reassess the compensation under all heads except medical expenses, as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Towards pain and sufferings already under one and to be suffered in future, mental and physical shock, hardship inconvenience on account of permanent disability	3,00,000-00	2,00,000-00
2.	Medical expenses	68,500-00	68,500-00
3.	Discomfort, inconvenience, and loss of earnings to the parents during the period of hospitalization	1,62,000-00	-
4.	Incidental Expenses	30,000-00	-
5.	Loss of amenities	-	2,50,000-00
6.	Loss of income during laid up period, Since parents attended the child for 6 months on various occasions	-	93,000-00 (15,500x6)
7.	Food, Nourishment and conveyance charges	-	80,000-00
8.	Loss of marriage prospectus	-	3,00,000-00
9.	Loss of future earnings	-	8,98,380-00 (15,500+40%x12x15x23%)
	TOTAL	5,60,500-00	18,89,880-00

12. Accordingly, the claimant is entitled for enhanced compensation of **Rs.13,29,380/-** (18,89,880 - 5,60,500) rounded off at **Rs.13,30,000/-**, which shall



CNR: KAHC010680532024

NC: 2026:KHC:43896
MFA No. 7851 of 2024

carry interest at the rate of 6% per annum from the date of petition till realization.

13. For the foregoing reasons, this Court proceed to pass the following:

ORDER

- i. Appeal is ***allowed in part.***
- ii. The judgment and award dated 01.10.2024 in MVC.No.5786/2022 passed by the XXII Additional SCJ and ACJM, Member MACT, Bengaluru, SCCH-24, is modified and the compensation is enhanced.
- iii. The claimant is entitled for enhanced compensation of ***Rs.13,30,000/-***, which shall carry interest @ of 6% per annum from the rate of petition till realization.
- iv. The entire enhanced compensation along with accrued interest stated supra shall be deposited by the respondent No.1-Insurer within 6 weeks from the date of receipt of copy of this order before the concerned Tribunal.



CNR: KAHC010680532024

**NC: 2026:KHC:43896
MFA No. 7851 of 2024**

- v. Upon deposit, a sum of Rs.2,00,000/- shall be released in favour of the guardian of the minor to meet the incidental expenses and balance compensation shall be deposited in any interest bearing FDR with any Nationalized Bank till the claimant attains the age of majority and thereafter for another 05 years.
- vi. The Bank shall not permit any loan on the said amount without there being an order by the Tribunal/Court.
- vii. Trial Court records received, be sent forthwith to the Tribunal for further action without causing any further delay.
- viii. No order as to costs.

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

PK
List No.: 1 Sl No.: 26
ct-vn