



CNR: KAHC010686882025

NC: 2026:KHC:45301
MFA No. 7862 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7862 OF 2025

(MV-I)

BETWEEN:

SRI. C. P. ANANTHA
S/O. PUTTEGOWDA,
AGED ABOUT 57 YEARS,
R/AT A. CHOLENAHALLI VILLAGE,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSANA DISTRICT-573 116.

...APPELLANT

(BY SRI. RAJARAMA S, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SRI. DORE. A. K.
S/O. KUMARA,
AGED ABOUT 29 YEARS
R/AT A. CHOLENAHALLI VILLAGE,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSANA DISTRICT-573 116.
2. REGIONAL MANAGER
I.C.I.C.I LAMBOARD INSURANCE LIMITED,
22 MAXIMAS COMMERCIAL COMPLEX,



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L. H. H. ROAD, HAMPANAKATTE
MANGALORE-575 001.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
A M VENKATESH, ADVOCATE FOR R2
V/O DTD. 17.4.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:04.10.2024
PASSED IN MVC No.250/2024 ON THE FILE OF THE IV
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 04.10.2024 passed in MVC No.250/2024 by
the IV Additional District and Sessions Judge, Hassan
sitting at Channarayapatna.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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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 him in a road traffic accident occurred on 16.11.2022 contending that the accident occurred due to rash and negligent driving of the driver of the car bearing Regn.No.KA-13-C-4393. 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.	Pain and suffering	50,000/-
02.	Medical expenses	87,184/-
03.	Loss of future earnings due to disability	2,04,600/-
04.	Loss of earnings during laid up period	15,500/-
05.	Food, nourishment and other miscellaneous expenses	5,000/-
	Total	3,62,284/- rounded for Rs.3,62,500/-



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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 the claimant has sustained fracture of right tibia and PW.2-Doctor who examined him has assessed the disability at 36.75% to right lower limb and Tribunal has taken disability at 10% and it is on lower side. The Tribunal has rightly taken income at Rs.15,500/-p.m. and applied multiplier '11'. The compensation has not been awarded towards loss of amenities and future medical expenses. PW.2 – Doctor has stated that for removal of implants, claimant requires Rs.40,000 to Rs.50,000/-. The claimant has been admitted in the hospital for seven days



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and compensation awarded for attendant and conveyance charges is on lower side. Considering the injuries sustained, the Tribunal has taken only one month towards loss of income during laid up period and it is on lower side. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that PW.2 – Doctor has stated that fracture is united and considering the said aspect the Tribunal has rightly taken disability at 10%. The compensation awarded by the Tribunal on 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 and award.

9. The accident occurred on 16.11.2022 and as on the date of accident, the claimant was aged 52 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '11'. The Tribunal has rightly taken the notional income of the claimant at Rs.15,500/-.



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The claimant has sustained fracture to right tibia and considering the same, the Tribunal rightly awarded Rs.50,000/- towards pain and suffering. The Tribunal has not awarded compensation towards loss of amenities. The claimant is entitled to loss of amenities in a sum of Rs.20,000/-. PW.2 – Doctor has stated that the claimant has sustained 36.75% disability to the right lower limb. Considering the said disability, the disability to the whole body is to be taken at 1/3rd of the particular limb and therefore, the disability is to be taken at 12% to the whole body as against 10% taken by the Tribunal. Considering the same, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 11 \times 12\% = \text{Rs.2,45,520/-}$$

10. The claimant has been admitted in the hospital for seven days. Considering the same, the claimant is entitled to conveyance, attendant charges, food and nourishment in a sum of Rs.7,000/- (Rs.1000 x 7 days) as against Rs.5,000/- awarded by the Tribunal. Considering



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the injuries sustained and that the claimant is a milk vendor he has to take rest atleast for two months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.31,000/- (Rs.15,500 x 2 months) as against Rs.15,500/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.87,184/-. PW.2 has stated that the claimant has to undergo surgery for removal of implant. Considering the same, the claimant is entitled to future medical expenses in a sum of Rs.30,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Loss of amenities	20,000/-
03.	Medical expenses	87,184/-
04.	Loss of income during laid up period	31,000/-
05.	Future medical expenses	30,000/-
06.	Loss of future income	2,45,520/-
07.	Attendant and conveyance charges	7,000/-
	Total	4,70,704/-



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12. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,70,704/- as against Rs.3,62,500/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.1,08,204/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for delay of 198 days in filing the appeal as per order dated 17.04.2026 passed on I.A.1/2025. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

14. 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.1,08,204/- with interest @ 6% p.a. from the date of petition till realization.



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- 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) Appellant/claimant is not entitled to interest for delay of 198 days in filing the appeal.
- v) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 41
Ct.sm