



CNR: KAHC010694172025

NC: 2026:KHC:49056
MFA No. 7902 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7902 OF 2025

(MV-I)

BETWEEN:

SRI CHALAPATHI V
S/O VENKATESHAPPA
NOW AGED ABOUT 35 YEARS
RESIDING AT:
PADMAGHATTA VILLAGE AND POST
MULABAGAL TALUK
KOLAR DISTRICT.

...APPELLANT

(BY SMT. SUSHMITHA G, ADVOCATE)

AND:

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

1. SMT. RAFIAH PARVEEN M
W/O ABDUL HAFIZ S.K
MAJOR IN AGE
RESIDING AT No.23-1-35/1
NEAR KRISHNA THEATER
ATCHAMPET ROAD
SATTENAPALLI TOWN
GUNTUR DISTRICT
ANDHRA PRADESH-522 403.
2. NATIONAL INSURANCE COMPANY LTD.
REGIONAL OFFICE
SHUBARAM COMPLEX



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M.G.ROAD, BENGALURU – 560 001.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI JANARDHANA REDDY, ADVOCATE FOR R2
V/O DTD. 05.11.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:16.12.2024
PASSED IN MVC No.3682/2023 ON THE FILE OF THE VIII
ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACJM,
MACT, BENGALURU (SCCH-5), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL COMING ON FOR FINAL HEARING THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking
enhancement of compensation awarded in the judgment
and award dated 16.12.2022 passed in MVC No.
3682/2023 by the VIII Additional Judge, Court of Small
Causes and MACT, Bengaluru (SCCH-15)

2. Appellant – claimant made a claim petition
praying to award compensation for the injuries sustained



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by him in a road traffic accident that occurred on 16.05.2022 due to the rash and negligent driving by the driver of the car bearing registration No. AP-07-CT-9069. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of future income	Rs.3,11,520.00
2	Pain and suffering	Rs.15,000.00
3	Conveyance, nourishment and attendant charges	Rs.15,000.00
4	Medical expenses	Rs.1,58,614.00
5	Loss of amenities in life	Rs.15,000.00
6	Loss of income during laid up period	Rs.8,850.00
	Total	Rs.5,23,984.00

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to



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deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

4. Heard learned counsel for appellant and learned counsel for respondent No. 2 – Insurer.

5. The accident occurred on 16.05.2022 and as on the date of the accident the claimant was aged 33 years. Considering the same the Tribunal has rightly applied the multiplier '16'. Notional income fixed by the Karnataka State Legal Services Authority for the year 2022 is Rs.15,500/- and the same is to be taken as against Rs.14,750/- taken by the Tribunal.

6. Claimant had sustained the following injuries:

"Closed displaced comminuted fracture both bone of right leg at middle and distal 1/3rd junction with unicortical fracture of proximal tibia, closed displaced comminuted fracture both bone left leg at middle and distal 1/3rd junction, closed fracture of spine of left scapula,



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soft tissue injury over anterio lateral aspect of right leg."

7. Considering the said injuries compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.15,000/- requires to be enhanced to Rs.1,40,000/- and loss of amenities in a sum of Rs.15,000/- requires to be enhanced to Rs.1,00,000/-.

8. Claimant was admitted in the hospital for 18 days and therefore, he is entitled Rs.18,000/- (Rs.1,000 X 18 days) towards attendant, conveyance charges, food nourishment etc., as against Rs.15,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses based on the documents.

9. Considering the injuries sustained which includes 4 fractures, the claimant had to take rest for at-least 6 months and therefore, entitled to loss of income during laid up period in a sum of Rs.93,000/- (Rs.15,500 X 6 months) as against Rs.8,850/- awarded by the Tribunal.



10. P.W.2 is the Doctor who has assessed the disability and stated that the claimant is having disability of 32.69% to the limb and 10.8% to the whole body. Considering the same, the Tribunal has rightly taken the disability at 11%. In view of the same, loss of future income is calculated as under:

$$15,500 \times 12 \times 16 \times 11\% = \text{Rs.}3,27,360/-$$

11. P.W.2 – Doctor has stated that the fractures are not united and for that claimant has to undergo surgery. Claimant has to also undergo another surgery for removal of implant. Considering the same claimant is entitled to future medical expenses in a sum of Rs.50,000/-.

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

1	Pain and suffering	Rs.1,40,000/-
2	Loss of amenities	Rs.1,00,000/-
3	Attendant, conveyance charges, and food and nourishment	Rs.18,000/-



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4	Medical expenses	Rs.1,58,614/-
5	Loss of income during laid up period	Rs.93,000/-
6	Loss of future income	Rs.3,27,360/-
7	Future medical expenses	Rs.50,000/-
	Total	Rs.8,86,974/-

13. Considering the above aspects claimant is entitled to total compensation of Rs.8,86,974/- as against Rs.5,23,984/- awarded by the Tribunal with interest. Consequently, claimant is entitled to enhanced compensation of Rs.3,62,990/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Claimant is not entitled to interest on compensation awarded towards future medical expenses. Claimant is not entitled to interest for the delay period of 194 days in filing the appeal as per order dated 05.11.2025 passed on I.A. No. 1/2025. Respondent No. 2



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– Insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

ORDER

- a. Appeal is allowed in part.
- b. Appellant - claimant is entitled to enhanced compensation of Rs.3,62,990/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c. Claimant is not entitled to interest on compensation awarded towards future medical expenses.
- d. Appellant – Claimant is not entitled to interest for the delay period of 194 days.
- e. Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.



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f. Appellant - claimant is entitled to release of entire enhanced compensation amount with interest.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 62
Ct.sm