



CNR: KAHC010740722024

NC: 2026:KHC:41501
MFA No. 8388 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.8388 OF 2024(MV-I)

BETWEEN:

SRI. CHANDRASHEKAR C.K.,
S/O KRISHNA,
NOW AGED ABOUT 21 YEARS,
RESIDUNG AT CHANNAPILLE
KOPPALU VILLAGE,
KIRUGAVALU HOBLI,
MALAVALLI TALUK,
MANDYA DISTRICT - 571 424.

...APPELLANT

(BY SRI. GIRIMALLAIAH., ADVOCATE)

AND:

1. MAGMA HDI GENERAL INSURANCE
COMPANY LTD.,
NO. 40, 4TH FLOOR, II LANE,
C.K.C. GARDEN, MISSION ROAD,
NEAR LALBAGH,
BENGALURU - 560 027.
BY ITS MANAGER.
2. MR. DALE GOWDA.D,
S/O DEVEGOWDA,
MAJOR,
(AGE OF R-2 NOT KNOWN TO APPELLANT),
NO.198, VINAYAKANAGARA,
3RD CROSS, HANUR VILLAGE,

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



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NEAR BHARATH GAS,
KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT - 571 439.

...RESPONDENTS

(BY SRI.MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI.B.PRADEEP, ADVOCATE FOR R1;
NOTICE TO R2 DISPENSED WITH VIDE ORDER DATED
06.08.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.09.2024 PASSED IN MVC
NO.2799/2022 ON THE FILE OF THE VITH ADDITIONAL JUDGE,
COURT OF SMALL CAUSES AND ACJMM AND MACT,
BENGALURU (SCCH-2), 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking
enhancement of compensation awarded in judgment and
award dated 10.09.2024 passed in MVC No.2799/2022 by
learned VI Additional Judge, Court of Small Causes and



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Additional Chief Judicial Magistrate and MACT, Bengaluru
(SCCH-2).

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

3. The appellant made a claim petition before the Tribunal seeking compensation for the injuries sustained by him in a road traffic accident, which occurred on 02.03.2022 due to the rash and negligent driving of the driver of Tata ACE bearing Regn. No.KA-10-A-3589. The Tribunal, after recording the evidence of parties, appreciating the evidence on record, assessed the compensation and awarded compensation under various heads as under:

1.	Towards loss of Future income	Rs. 6,69,600.00
2.	Towards Medical Expenses	Rs. 23,283.00
3.	Towards Pain and Suffering	Rs. 50,000.00
4.	Loss of income during the laidup period	Rs. 46,500.00



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5.	Food and Nourishment, and Attendant charges	Rs. 70,000.00
6.	Loss of future amenities and happiness	Rs. 30,000.00
7.	Towards future medical expenses	Rs. 15,000.00
	Total	Rs. 9,04,383.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from the date of petition till realization and directed the insurer to deposit the award amount with interest.

5. The claimant seeking enhancement of compensation has filed the present appeal.

6. Heard the learned counsel for appellant and the learned counsel for the respondent No.1-Insurer.

7. The learned counsel for appellant would contend that the claimant has sustained three fractures and one severe injury. Hence, the compensation awarded towards pain and suffering and loss of amenities are on lower side. P.W.2-Doctor who examined the claimant has



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assessed his disability and stated that claimant has sustained 75% disability to right lower limb and 25% to the whole body and the Tribunal has erred in taking the disability to the whole body at 25%.

8. PW2/doctor has stated that one fracture is mal united and the claimant was in-patient for 67 days and during the period of four months, he has undergone three surgeries and P.W.2 doctor has stated that he has to undergo one more surgery and estimate the cost in a sum of Rs.30,000/-. Considering the same, the compensation awarded for future medical expenses is on lower side.

9. The compensation awarded towards loss of income during laid-up period is also on the lower side, and considering the injuries sustained by the claimant, he has taken rest at least for a period of six months. He further submits that, as disability is 20% and more, the claimant is entitled for future prospectus at 40% as he is aged 19



years and working as a Carpenter. With this, he prayed to allow the appeal.

10. Learned counsel for respondent No.1-Insurer contended that the Tribunal has rightly assessed the disability at 20% and awarded compensation and that the compensation awarded on all other heads are just and proper and there are no grounds for enhancement.

11. Having heard the learned counsel, the Court has perused the judgment and award.

12. As per Ex.P5-wound certificate and other documents, the claimant has sustained the following injuries:

"He has sustained post Traumatic closed right proximal tibia fracture, lateral condyle split fracture with tibia shaft fracture, right medial cuniform fracture and post traumatic right heel pad avulsion."

13. Considering the said injuries sustained by the claimant, the compensation awarded towards pain and



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suffering in a sum of Rs.50,000/- requires to be enhanced to Rs.1,50,000/- and loss of amenities in a sum of Rs.30,000/- requires to be enhanced to Rs.90,000/-.

14. P.W.2/doctor who examined the claimant has assessed his disability and stated that the claimant has sustained 75% disability to right lower limb and 25% disability to the whole body. Considering the same and also that one fracture is mal united, disability to the whole body is taken at 25% as against 20% taken by the Tribunal.

15. The Tribunal has rightly taken notional income at Rs.15,500/- per month and applied multiplier '18'. Since disability is more than 20%, future prospects 40% is taken as the claimant is 19 years. In view of the same, the loss of future income is calculated as under:

$$15,500 + 6,200 (40\%) = \text{Rs.}21,700/- \times 12 \times 18 \\ \times 25\% = \text{Rs.}11,71,800/-$$



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16. The claimant was admitted in hospital for 67 days during the period of four months and considering the same, the compensation awarded towards attendant, conveyance charges, food and nourishment in a sum of Rs.70,000/- is just and proper.

17. Considering the injuries sustained, disability suffered and treatment taken, the claimant has to take rest at least for a period of six months. Therefore, the claimant is entitled to Rs.93,000/-(15,500 X 6 months) towards loss of income during laid-up period.

18. The Tribunal has awarded Rs.15,000/- towards future medical expenses. P.W.2/doctor has stated that the claimant has to undergo one more surgery and estimate cost is Rs.30,000/-. Therefore, the claimant is entitled to Rs.30,000/- towards future medical expenses as against Rs.15,000/- awarded by the Tribunal.



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19. Considering the above aspects, the claimant is entitled to total compensation under different heads as under:

1	Loss of future income	Rs. 11,71,800.00
2.	Pain and suffering	Rs. 1,50,000.00
3.	Loss of income during laid up period for six months (Rs.15,500 x 6)	Rs. 93,000.00
2	Medical expenses	Rs. 23,283.00
3	Loss of amenities	Rs. 90,000.00
4	Attendant charges, food and nourishment	Rs. 70,000.00
5	Future medical expenses	Rs. 30,000.00
	Total	Rs. 16,28,083.00

20. The claimant is entitled to enhanced compensation of Rs.7,23,700/- [Rs.9,04,383-Rs.16,28,083] with interest at the rate of 6% p.a.

21. In view of the above, the following:

ORDER

i) The appeal is allowed in part.



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ii) The appellant/claimant is entitled to enhanced of compensation of Rs.7,23,700/- with interest at the rate of 6% p.a. from the date of petition till realization.

iii) The respondent shall deposit the enhanced compensation with interest within a period of six weeks from this day.

iv) The claimant is entitled for release of enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

HR
List No.: 1 Sl No.: 4