



CNR: KAHC010752202025

NC: 2026:KHC:49425
MFA No. 8614 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8614 OF 2025

(MV-I)

BETWEEN:

MAST. MADESHA N
S/O. NARASIMHAPPA
NOW AGED ABOUT 19 YEARS
RESIDING AT: OBATTI VILLAGE
HALEPALYA POST, MALUR TALUK
KOLAR DISTRICT.

...APPELLANT

(BY SMT. SUSHMITHA G, ADVOCATE)

AND:

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

1. SRI V E RAMACHANDRA
S/O LATE K.R.ERAGAPPA
NOW AGED ABOUT 54 YEARS
RESIDING AT
VOKKALERI VILLAGE AND POST
KOLAR TALUK AND DISTRICT.
2. M/S. IFFCO-TOKIYO GENERAL
INSURANCE COMPANY LIMITED
REGIONAL OFFICE, 5TH FLOOR
SRI SHANTHI TOWERS
3RD MAIN, NGEF LAYOUT
KASTHURINAGAR



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BENGALURU- 560 043.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SMT. MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 24.8.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:09.09.2024
PASSED IN MVC No.5832/2021 ON THE FILE OF THE XIV ADDL.
SMALL CAUSES JUDGE, ACJM AND MEMBER MACT AT
BENGALURU (SCCH-10), 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 09.09.2024 passed in MVC No.5832/2021 by
the XIV Additional Small Causes Judge and Member,
MACT, Bengaluru (SCCH-10).

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 made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 26.02.2021 contending that the accident occurred due to rash and negligent driving of the driver of Tipper Lorry bearing Regn.No.KA-50-0473. 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.	Medical expenses	2,43,501/-
02.	Pain and suffering	30,000/-
03.	Nourishment and diet food	10,000/-
04.	Loss of amenities	20,000/-
05.	Loss of future earnings	3,00,000/-
06.	Future medical expenses	20,000/-
	Total	6,23,501/-

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. The accident occurred on 26.02.2021 and as on the date of accident, the claimant was aged 51 years. The claimant has sustained the following injuries:

- a) fracture lateral condyle of right femur.
- b) Comminuted fracture right patella with bone loss
- c) Fracture proximal 3rd of right tibia
- d) Fracture right distal 3rd radius and other injuries.

7. Considering the said injuries sustained which are four fractures, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.1,20,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.80,000/-. The claimant has been admitted in the hospital for 12 days.



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Considering the same, food and nourishment etc awarded in a sum of Rs.10,000/- requires to be enhanced to Rs.12,000/- (Rs.1,000 x 12 days). The Tribunal has rightly awarded Rs.2,43,501/- towards medical expenses. The Doctor has stated that the claimant has to undergo one more surgery for removal of implant and considering the same, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

8. The Tribunal based on the decision in the case of **Mallikarjun vs. Divisional Manager, National Insurance Co.Ltd and another (2013 SCJ 2445)** has awarded Rs.3,00,000/- towards loss of future earnings. Learned counsel for the appellant placing reliance on the decision of Hon'ble Apex Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and another (2025 INSC 1070)** contends that loss of future earning is to be awarded taking the minimum wages applying multiplier and disability. The document furnished



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by the learned counsel for the appellant indicate that minimum wages for a semi-skilled worker is Rs.9472.21 and therefore, the income of the claimant is to be taken at Rs.9,475/-. Since the claimant is aged 15 years, the multiplier applicable is '18'. PW.3 is the Doctor who has examined the claimant, assessed the disability and stated that the claimant is having 36% disability to the right lower limb, 15% disability to right upper limb and 17% to the whole body. The Tribunal has taken disability at 12%. If the disability is to the lower limb then $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body and if the disability is to the upper limb then $\frac{1}{4}^{\text{th}}$ of the same is to be taken as disability to the whole body. Therefore, the disability to be taken is 16% (12+4) to the whole body. In view of the above, loss of future income is calculated as under:

$$\text{Rs.}9475 \times 12 = 1,13,700 \times 18 \times 16\% = \text{Rs.}3,27,456/-$$



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9. 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	1,20,000/-
02.	Loss of amenities	80,000/-
03.	Food, nourishment and attendant charges	12,000/-
04.	Medical expenses	2,43,501/-
05.	Future medical expenses	30,000/-
06.	Loss of future income	3,27,456/-
	Total	8,12,957/-

10. Considering the above aspects, the claimant is entitled to total compensation of Rs.8,12,957/- as against Rs.6,23,501/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,89,456/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 337 days in filing the appeal as per order dated 25.02.2026 passed on I.A.No.1/2025. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,89,456/- with interest @ 6% p.a. from the date of petition till realization.
- 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) The claimant is not entitled to interest for the delay period of 337 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.: 39
Ct.sm