



CNR: KAHC010761792025

NC: 2026:KHC:46258
MFA No. 8733 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 8733 OF 2025
(MV-I)

BETWEEN:

BHARATH G.R.
S/O G.M. RAJU,
AGED ABOUT 23 YEARS,
WASHING MACHINE REPAIR WORK,
R/O D.NO.1887/17, KUNDAVADA ROAD,
VINAYAKA NAGARA, 3RD CROSS,
DAVANERE CITY - 577 002.

...APPELLANT

(BY SRI. A.K. SREEHARSHA, ADVOCATE)

AND:

1. MADHUKESWARA C.H.
S/O LATE HANUMANTHAPPA,
AGED ABOUT 59 YEARS,
DRIVER CUM OWNER OF THE VEHICLE
BEARING REG. NO.KA-02/MJ-2699,
R/O D.NO.213, MARUTHI,
5TH MAIN ROAD, TUMKUR ROAD,
CHIKKABIDARAKALLU, RAVI KIRLOSKAR LAYOUT,
NAGASANDRA POST,
BENGALURU - 560 073.
2. HDFC ERGO GEN. INS. COM. LTD.,
REP. BY ITS MANAGER,
IRDAIR.R.NO.115,
REGISTERED CORPORATE OFFICE,

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



NC: 2026:KHC:46258
MFA No. 8733 of 2025

CNR: KAHC010761792025

1ST FLOOR, KDFC HOUSE,
165/166, BACK BAY, RECLAMATION,
HT PAREKH MARG, CHURCHGATE
MUMBAI - 400 020.

REP. BY ITS MANAGER,
HDFC ERGO GEN. INS. COM. LTD.,
1ST FLOOR, VIRUPAKSHA KRUPA,
OPP. KIMS MAIN GATE,
PF ROAD, VIDYANAGARA,
HUBBALLI - 580 009.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2;
VIDE ORDER DATED 17.07.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.09.2025 PASSED IN MVC
NO.601/2023 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, DAVANAGERE, 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 claimant seeking
enhancement of compensation awarded in the Judgment



and Award dated 02.09.2025 passed in MVC No.601/2023 by II Additional Senior Civil Judge and JMFC, Davanagare.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 27.02.2023 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-02/MJ-2699.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



NC: 2026:KHC:46258
MFA No. 8733 of 2025

Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 2,41,920/-
2.	Pain and suffering	Rs. 25,000/-
3.	Loss of income during laid up period	Rs. 25,000/-
4.	Attendant charges transportation and miscellaneous expenses	Rs. 25,000/-
5.	Loss of amenities and nutritional food	Rs. 25,000/-
6.	Medical expenses	Rs. 1,60,243/-
	Total	Rs. 5,02,163/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the Tribunal based on the evidence of Doctor has rightly taken the disability at 10%. The notional



income is to be taken at Rs.16,250/- as per the chart prepared by the Karnataka State Legal Services Authority for the year 2023 as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier '18'. The claimant has sustained fracture of both bones of left leg and considering the same, the compensation awarded towards pain and sufferings, loss of amenities and loss of income during laid up period are on lower side. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.



10. The accident occurred on 27.02.2023 and as on the date of accident, the claimant was aged twenty one (21) years. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. The Doctor has rightly assessed the disability at 10%. The Tribunal has rightly applied the multiplier '18' since the claimant was aged twenty one (21) years. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 18 \times 10\% = \text{Rs.3,51,000/-}$$

11. As per Ex.P9 - Discharge summary, the claimant has sustained fracture of both bones of left leg. Considering the said aspect, the compensation awarded for pain and sufferings requires to be enhanced to Rs.60,000/- as against Rs.25,000/- awarded by the Tribunal, loss of amenities requires to be enhanced to Rs.40,000/- as against Rs.25,000/- awarded by the



CNR: KAHC010761792025

NC: 2026:KHC:46258
MFA No. 8733 of 2025

Tribunal. Considering the injuries sustained, the claimant has to take rest atleast for three (03) months and therefore, loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- X 03 months) as against Rs.25,000/- awarded by the Tribunal.

12. The Tribunal has rightly awarded the compensation towards attendant, conveyance, food and nourishment etc., in a sum of Rs.25,000/- and medical expenses in a sum Rs.1,60,243/-.

13. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 60,000/-
2.	Loss of amenities	Rs. 40,000/-
3.	Loss of income during laid up period	Rs. 48,750/-
4.	Attendant and conveyance charges etc.,	Rs. 25,000/-
5.	Medical expenses	Rs. 1,60,243/-
6.	Loss of future income	Rs. 3,51,000/-
	Total	Rs. 6,84,993/-



14. The claimant is entitled to total compensation of Rs.6,84,993/- as against Rs.5,02,163/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.1,82,830/- (Rs.6,84,993/- - Rs.5,02,163/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.1,82,830/- with interest at the rate of 6% per annum from the date of petition till realisation.*



NC: 2026:KHC:46258
MFA No. 8733 of 2025

CNR: KAHC010761792025

- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 18