



CNR: KAHC010784742025

NC: 2026:KHC:51018
MFA No. 9021 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9021 OF 2025

(MV-I)

BETWEEN:

SANDEEPA G. M.
S/O MARIYAPPA
AGED ABOUT 31 YEARS
R/AT NEAR MARAMMA TEMPLE
CHANNARAYAPATNA TOWN
HASSAN DISTRICT.
ARAKALAGUD TOWN.

PRESENTLY R/AT VIDYUTH NAGARA
HOLENARASIPURA TOWN
HASSAN DISTRICT.

...APPELLANT

Digitally signed
by

 PADMAASHREE (BY SRI SHASTRI SHRIPAD VISHWANATHA, ADVOCATE)
SHEKHAR
DESAI

AND:

Location: HIGH
COURT OF
KARNATAKA

1. JAGADEESHA C. M.
S/O MALLESHA, MAJOR
R/O GOVERNMENT HOSPITAL QUARTERS
CHANNARAYAPATNA TOWN
HASSAN DISTRICT.
2. THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE CO. LTD.,
KRUTHIKA ARCADE



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SRS CIRCLE,
HASSAN.

...RESPONDENTS

(BY SRI H C BETSUR, ADVOCATE FOR R2
V/O DTD. 10.07.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:18.09.2024
PASSED IN MVC No.858/2022 ON THE FILE OF THE SENIOR
CIVIL JUDGE MACT, HOLENAASIPURA, 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 appellant -claimant seeking
enhancement of compensation awarded in judgment and
award dated 18.09.2024 passed in MVC No.858/2022 by
the Senior Civil Judge and MACT, Holenarasipura.

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.



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3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 11.03.2022 contending that the accident occurred due to rash and negligent driving of the driver of Omni Car bearing registration No.KA-13/P-0389. 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.	Towards loss of future earnings	2,52,960/-
02.	Towards Pain and Suffering	20,000/-
03.	Attendance charges	3,000/-
04.	Conveyance charges	2,000/-
05.	Towards Food, diet and nourishment	5,000/-
06	Towards loss amenities	5,000/-
07	Towards loss of income during laid up period	15,500/-
08	Towards medical expenses	65,000/-
Total		3,68,460/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the



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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 11.03.2022 and as on the date of accident the claimant was aged 28 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '17'. The claimant has sustained comminuted fracture of right femur. Considering the same, the compensation awarded towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.30,000/- and loss of amenities in a sum of Rs.5,000/- is enhanced to Rs.20,000/-.

7. Considering the said injuries sustained by the claimant, he has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.46,500/-(Rs.15,500/- x3 months).



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P.W.2 is doctor who has examined the claimant and assessed his disability and stated that the claimant is having disability at 39.75% of the right lower limb. The claimant has been referred to Medical Board. Medical board certificate Ex.P20 indicate that the claimant is having 30% disability to right lower limb. Therefore, disability is to be taken at 10% as against 8% as taken by the Tribunal. The Tribunal has rightly taken notional income at Rs.15,500/- and applied multiplier '17'. In view of the above, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 17 \times 10\% = 3,16,200/-$$

8. The doctor has stated that the claimant has been fixed with the implant. For removal of the said implant, the claimant has to undergo surgery and therefore, he is entitled to future medical expenses of Rs.30,000/-. The Tribunal has rightly awarded the medical expenses and attendant and conveyance charges, food and nourishment etc.,



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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards loss of future earnings	3,16,200/-
02.	Towards Pain and Suffering	30,000/-
03.	Attendance charges	3,000/-
04.	Conveyance charges	2,000/-
05.	Towards Food, diet and nourishment	5,000/-
06.	Towards loss amenities	20,000/-
07.	Towards loss of income during laid up period	46,500/-
08.	Towards medical expenses	65,000/-
09.	Future Medical expenses	30,000/-
Total		5,17,700/-

The claimant is entitled to total compensation of Rs.5,17,700/- as against Rs.3,68,460/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,49,240/- with interest at the rate of 6% per annum from the date of petition till realization. The claimant is not entitled to interest for the delay period of 347 days in filing the appeal by order dated 18.09.2026 passed on IA



No.1/2025. Respondent No.2 -insurer is liable to pay enhanced compensation with interest.

10. 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.1,49,240/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The appellant -claimant is not entitled to interest for delay period of 347 days in filing the appeal.
- iv) Respondent No.2 shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) The appellant -claimant is entitled to release of entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 10
Ct.sm