



CNR: KAHC010797892025

NC: 2026:KHC:52352
MFA No. 9172 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9172 OF 2025

(MV-I)

BETWEEN:

N.PRADEEP
S/O NARAYANAPPA
AGED ABOUT 34 YEARS
R/AT AVVERAHALLI
BILLINAKOTE, SOMPURA HOBLI
BANGALORE RURAL-562 111.

...APPELLANT

(BY SRI YOGESHA G K, ADVOCATE)

AND:

1. THE NATIONAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER, No.144
SHUBHARAM COMPLEX, M.G.ROAD
BANGALURU-560 001.
2. C BHASKAR
S/O CHINNU SWAMY, MAJOR
No.7, R.C.COMPLEX, 206-261
S.G.MUTT ROAD, CHAMARAJPET,
BENGALURU-560 018.

...RESPONDENTS

(BY SRI. ASHOK KUMAR V, ADVOCATE FOR R1
V/O DTD. 5.6.2026, NOTICE TO R2 IS D/W)





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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:17.04.2025 PASSED IN MVC No.2560/2023 ON THE FILE OF THE XXIV ADDITIONAL SMALL CAUSES JUDGE AND THE MACT, A.C.J.M., BENGALURU (SCCH-26), 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 17.04.2025 passed in MVC No. 2560/2023 by the XXIV Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-26).

2. Even though the appeal is listed for 'Admission' today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 1 – Insurer it is taken up for disposal.

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3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 15.03.2023 due to the rash and negligent driving by the driver of lorry bearing registration No. KA-01-AK-2019. 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 earning capacity due to permanent disability	Rs.6,14,400/-
2	Towards pain and suffering	Rs.50,000/-
3	Towards loss of amenities	Rs.30,000/-
4	Towards attendant, food and nourishment and conveyance charges	Rs.34,500/-
5	Towards loss of income during laid up period and rest period	Rs.48,000/-
6	Towards medical expenses	Rs.9,11,053/-
7	Towards future medical expenses	Rs.15,000/-
	Total	Rs.17,02,953/-

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of

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realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 1 – Insurer.

6. The accident occurred on 15.03.2023 and as on the date of accident claimant was aged 32 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier of `16'. 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.

7. Claimant had sustained the following injuries:

"B/L lower limbs right upper limb, right thigh swelling, tenderness, deformity, ROM, right hip, knee and ankle, restricted and painful, X-ray right thigh – comminuted intertrochanteric fracture of right femur noted, X-ray, right leg

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storres fractures of lower end of fibula, medidal and lateral malleolar fractures, left leg – 10 X 15 cms deforming ulcerated wound over distal aspect of left legs, left foot, swelling tenderness, ROM < restricted and painful, X-ray left leg – medial malleolar fracture, fracture of right foot, proximal and distal phalanges of great toe.”

8. Considering the said injuries, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.1,00,000/- and compensation awarded by the Tribunal towards loss of amenities in a sum of Rs.30,000/- is enhanced from Rs.1,00,000/-.

9. Considering the injuries sustained, claimant had to take rest for six months and therefore, entitled to loss of income during laid up period in a sum of Rs.97,500/- (Rs.16,250 X 6 months).

10. Claimant was admitted in the hospital for 23 days. Considering the same, claimant is entitled to attendant, conveyance, food and nourishment charges in a

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sum of Rs.23,000/- (Rs.1000 X 23 days) as against Rs.34,500/- awarded by the Tribunal.

11. The Tribunal has rightly awarded medical expenses of Rs.9,11,053/-.

12. The Doctor has stated that claimant has to undergo surgery for removal of implant and considering the same, claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal.

13. P.W.3 – Doctor has examined the claimant, assessed the disability and has stated that claimant has sustained 62% disability to the lower limb and 32% to the whole body. The Tribunal has taken the disability at 20%. In case of disability to the lower limb $\frac{1}{3}^{\text{rd}}$ of the same is to be taken to the whole body. The Tribunal has rightly taken the disability at 20%. Since the disability is taken at 20% claimant is entitled to future prospects at 40%.

14. In view of the above, loss of future income due to disability is calculated as under:

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MFA No. 9172 of 2025

$$16,250 + 6500 (40\%) = 22,750/-$$

$$22,750 \times 12 \times 16 \times 20\% = \text{Rs.}8,73,600/-$$

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

1	Pain and suffering	Rs.1,00,000/-
2	Loss of amenities	Rs.1,00,000/-
3	Loss of future income due to disability	Rs.8,73,600/-
4	Attendant, conveyance, food and nourishment charges	Rs.23,000/-
5	Loss of income during laid up period	Rs.97,500/-
6	Medical expenses	Rs.9,11,053/-
7	Future medical expenses	Rs.30,000/-
	Total	Rs.21,35,153/-

16. Considering the above aspects claimant is entitled to total compensation of Rs.21,35,153/- as against Rs.17,02,953/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.4,32,200/-. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.

17. In view of the above, the following;

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ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.4,32,200/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant - claimant is not entitled to interest on the enhanced compensation under the head future medical expenses in a sum of Rs.15,000/-.
- d) Respondent No. 1 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Appellant - claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 28
Ct.sm