



CNR: KAHC010803092025

NC: 2026:KHC:43830
MFA No. 9271 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 9271 OF 2025

(MV-I)

BETWEEN:

1. SRI VIVEK NARAYAN SINGH
AGED ABOUT 22 YEARS,
S/O RAVINDRA NARAYAN SINGH,
R/A NO. 39, RAMACHANDRA ASHRAYA,
VENKATAPPA STREET,
NEAR MAVALLI MARKET,
BENGALURU - 560 004.

...APPELLANT

(BY SRI. D. NAGARAJA., ADVOCATE)

AND:

1. THE IFFCO-TOKIO GENERAL INSURANCE CO LTD
REGIONAL OFFICE AT T.P. HUB,
NO. 141, SHANTHI TOWERS,
5TH FLOOR, 3RD MAIN,
EAST NGEF LAYOUT,
KASTURI NAGAR,
BENGALURU - 560 043
REPRESENTED BY ITS MANAGER.
2. SRI MURTHY
AGED ABOUT 26 YEARS,
S/O VISHWANATH,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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R/O NO.199, 2ND FLOOR,
AGAPE BYBLE CHURCH,
4TH CROSS, DWARAKA NAGAR,
AF STATION, YELAHANKA,
BENGALURU 560 062.

...RESPONDENTS

(BY SRI. B C SHIVANNE GOWDA, ADVOCATE FOR R1,
V/O DATED 18.12.2025, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DT. 03.09.2025 PASSED
IN MVC NO.4643/2024 ON THE FILE OF XIV ADDITIONAL SCJ,
ACJM AND MEMBER-MACT, BENGALURU 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 by the Tribunal in
judgment and award dated 03.09.2025 passed in MVC
No.4643/2024 by the learned 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.1/Insurer.

3. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 14.02.2024 due to the rash and negligent driving of the driver of Swift car bearing Regn. No.KA-50-B-4249.

4. The Tribunal after recording the evidence, appreciating the evidence on record has assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Compensation
1	Medical expenses	Rs. 12,200.00
2	Pain and sufferings	Rs. 50,000.00
3	Nourishment and diet food	Rs. 15,000.00
4	Loss of future earning capacity due to permanent disability	Rs.5,34,600.00
5	Loss of amenities	Rs. 40,000.00
6	Future medical expenses	Rs. 50,000.00
	Total	Rs.7,01,800.00



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5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent No.1/Insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation awarded has filed the present appeal.

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

7. Learned counsel for appellant would contend that the claimant has sustained fracture of middle third of both bones of right forearm. PW2/doctor has examined him and assessed disability at 62.8% of right upper limb and 21% to the whole body. The Tribunal has erred in taking the disability at 15%. Considering the fractures sustained, the compensation awarded towards pain and suffering is on the lower side. The claimant has spent Rs.2,21,750/- towards medical expenses as per Ex.P12/bills and he got Rs.1,00,000/- reimbursement by



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Medi Claim policy. PW3/HR, Manager of New India Assurance Company and got produced the documents with regard to total medical claim made by the claimant, and the claimant only got reimbursement by Medi Claim Policy of Rs.1,00,000/-. The said Medi Claim reimbursement got by the claimant cannot be deducted in the medical expenses as per the decision of Hon'ble Apex Court in the case of **New India Insurance Company Limited -vs- Dolly Satish Gandhi and another** reported in **2026 INSC page 498**. He further submitted that another bill/Ex.P17 with regard to OPD charges of Rs.1,900/- and that has not been considered by the Tribunal. He further submitted that the claimant was a student of 7th semester of B.Pharm and Ex.P16 are statement of marks card for semester examination including 6th semester. As the claimant is a student of B-Pharm, his income is to be taken higher than the chart income, which is fixed for unskilled labours. With this, he prayed to allow the appeal.



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8. Learned counsel for respondent No.1/Insurer would contend that the compensation awarded is just and proper, and there are no grounds for enhancement. The Tribunal has rightly awarded medical expenses only to the extent of the bills furnished by the claimant. The claimant is not entitled to amount got reimbursement by Medi Claim policy. The Tribunal has rightly taken the chart income since no documents are produced to show the income of the claimant. With this, he prayed to dismiss the appeal.

9. Having heard the learned counsels, the Court has perused the judgment and award and trial court records.

10. As per Ex.P11/discharge summery, the claimant has sustained fracture of middle third of both bones of right forearm. Considering the said fractures sustained by the claimant, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.50,000/- requires to



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be enhanced to Rs.60,000/-. The compensation awarded for loss of amenities in a sum of Rs.40,000/- is just and proper.

11. PW2 is a doctor, who has examined the claimant and assessed his disability, and stated that the claimant has sustained 62.8% disability of right upper limb and 21% disability to the whole body. The Tribunal has taken disability to the whole body at 15%. Since the disability is to the upper limb, one fourth of the same has to be taken as disability to the whole body, and therefore, the Tribunal has rightly taken the disability to the whole body at 15%.

12. The statement of marks card is produced at Ex.P16. It clearly indicates that the claimant has completed his 6th semester of B.Pharm exam and studying in the 7th semester as on the date of accident. Even though the claimant has stated that he is getting income by taking tuition to the school students, but no



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evidence is produced in that regard. Since the claimant is studying in 7th semester of B.Pharma, his income is to be taken higher than the chart income fixed for unskilled labours, and therefore, the income of the claimant has to be taken at Rs.20,000/- per month. The Tribunal has rightly applied multiplier 18.

13. In view of the above, loss of future income is calculated as under:

$$\text{Rs.20,000} \times 12 \times 18 \times 15\% = \text{Rs.6,48,000/-}$$

14. Considering the fact that the claimant has to undergo surgery for removal of the implant, compensation awarded towards future medical expenses a sum of Rs.50,000/- is just and proper. Since the claimant is a student, he is not entitled to loss of income during laid up period as he has not established that he is getting income by taking tuition.

15. The claimant was admitted in the hospital for four days, and therefore, compensation awarded towards



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food, nourishment etc. in a sum of Rs.15,000 is just and proper.

16. As per Ex.P12/medical bills, the claimant has spent Rs.2,21,749/-. The claimant was having Medi Claim policy with PW3-Company. He got reimbursement of medical expenses of Rs.1,00,000/-. The evidence of PW3 and Ex.P25 clearly indicates that the claim made by the appellant towards reimbursement of medical expenses is Rs.2,21,749/- and out of that, he got medical reimbursement of Rs.1,00,000/-. Therefore the evidence on record clearly indicates that the claimant has spent a sum of Rs.2,21,749/- towards medical expenses and apart from that Ex.P17 indicates that he has spent OPD charges of Rs.1,900/-. Therefore the claimant is entitled to total medical expenses of Rs.2,23,649/- (Rs.2,21,749/- + Rs.1,900/-). The Hon'ble Apex Court in the case of New India Assurance Company Limited -vs- Dolly Satish (supra) has held that any amount got reimbursement by Medi Claim policy cannot be deducted in medical expenses



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to be awarded. Therefore, the claimant is entitled to entire medical expenses in a sum of Rs.2,23,649/-.

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

Sl.No.	Heads	Compensation
1	Medical expenses	Rs. 2,23,649.00
2	Pain and sufferings	Rs. 60,000.00
3	Nourishment and diet food etc.	Rs. 15,000.00
4	Loss of future income	Rs. 6,48,000.00
5	Loss of amenities	Rs. 40,000.00
6	Future medical expenses	Rs. 50,000.00
	Total	Rs.10,36,649.00

18. The claimant is entitled to total compensation of Rs.10,36,649/- as against Rs.7,01,800/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,34,849/- with interest at the rate of 6% per annum from the date of petition till realization. The respondent No.1/Insurer is liable to pay the said enhanced compensation with interest.

19. 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.3,34,849/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The respondent No.1/Insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The claimant is entitled to release of the entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 32