



CNR: KAHC010823882025

NC: 2026:KHC:43769
MFA No. 9504 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. 9504 OF 2025

(MV-I)

BETWEEN:

SMT. MAHADEVAMMA P R
W/O MAHESH R
AGED ABOUT 34 YEARS
327/A, UDBHAVA GANAPATHI TEMPLE
SHARADADEVI NAGARA
MYSURU-570 022.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

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

1. PRATHIMA N R
S/O VEERABHADRAIAH
AGED ABOUT 26 YEARS
R/AT 68, VASANTHANAGARA
T. NARASIPURA ROAD
SIDDARTHA BADAVANE
MYSURU-570 012.
2. THE MANAGER
ZUNO GENERAL INSURANCE LTD
KAMALA ARCADE
1ST FLOOR, NEW No.71
(OLD NO.88A) 26TH MAIN
37TH B, CROSS ROAD



CNR: KAHC010823882025

NC: 2026:KHC:43769
MFA No. 9504 of 2025

JAYANAGARA 9TH BLOCK
BENGALURU-560 069.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 17.08.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:15/10/2025
PASSED IN MVC No.1532/2024 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, MYSURU., 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 15.10.2025 passed in MVC No.1532/2024 by
Additional Small Causes Judge and MACT, Mysuru.

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



NC: 2026:KHC:43769
MFA No. 9504 of 2025

CNR: KAHC010823882025

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 09.06.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-55/M-9139. 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.	Loss of earnings/future earnings on account of disability	2,21,760/-
02.	Loss of earnings during treatment (laid of period)	33,000/-
03.	Damages for Pain, suffering and trauma as a consequence of this injuries	40,000/-
04.	Loss of amenities	35,000/-
05.	Transportation, Nourishment, attendant and miscellaneous	20,000/-
06.	Expenses relating to treatment hospitalization and medication	95,700/-
07.	Future medical expenses	20,000/-
Total		4,65,460/-



CNR: KAHC010823882025

4. 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.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.

6. Learned counsel for appellant would contend that the claimant has sustained one fracture and two simple injuries. Considering the same, the compensation awarded for pain and suffering and loss of amenities are on lower side. The claimant has been admitted in the hospital for 04 days. Considering the injury sustained, the compensation awarded for attendant and conveyance charges and loss of income during laid up period is on lower side. The Tribunal has rightly taken disability at 7%. The Tribunal has taken the notional income at Rs.16,500/- but as per chart, the



notional income fixed for the year 2024 is Rs.17,000/- per month and that is to be taken. The doctor has stated that the claimant has to undergo surgery for removal of implant and the cost of the same is Rs.35,000/- and Tribunal has awarded only Rs.25,000/-. With this, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 –insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. Considering the evidence of the doctor –P.W.2, the Tribunal has rightly taken the disability at 7%. The Tribunal has taken the notional income of the claimant at Rs.16,500/- per month. But as per the chart prepared by Karnataka State Legal Services Authority, the notional



CNR: KAHC010823882025

NC: 2026:KHC:43769
MFA No. 9504 of 2025

income fixed for the year 2024 is Rs.17,000/- per month and that is to be taken. The Tribunal has rightly applied multiplier of 16. The loss of future income is calculated as under:

$$\text{Rs.17,000/-} \times 12 \times 16 \times 7\% = \text{Rs.2,28,480/-}.$$

10. The claimant has sustained the following injuries:

a. A diffuse contused tender swelling around right shoulder joint with painful restriction range of movement.

X-ray right shoulder + Arm fracture upper end of humerus Bone.

b. Multiple Superficial, tender grazed abrasion injuries over right lower region of left ankle junction.

c. Small superficial multiple grazed abrasion injuries over right side of forehead and cheek region with surrounding contused swelling.



CNR: KAHC010823882025

Out of the said injuries, two are simple in nature and one is grievous injury. Considering the said injuries, the compensation awarded for pain and suffering and loss of amenities is just and proper. Considering the 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.51,000/- (Rs.17,000/- x3) as against Rs.33,000/- as awarded by the Tribunal. The claimant has been admitted in the hospital for 04 days. The Tribunal has rightly awarded attendant and conveyance charges and medical expenses. P.W.2 -doctor has stated that the claimant has to undergo surgery for removal of the implant and the cost of the same is estimated at Rs.35,000/-. Therefore, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.20,000/- as awarded by the Tribunal.

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



CNR: KAHC010823882025

NC: 2026:KHC:43769
MFA No. 9504 of 2025

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	2,28,480/-
02.	Pain and suffering	40,000/-
03.	Loss of income during laid of period	51,000/-
04.	Loss of amenities	35,000/-
05.	Attendant and conveyance charges	20,000/-
06.	Medical expenses	95,700/-
07.	Future medical expenses	30,000/-
Total		5,00,180/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,00,180/- as against Rs.4,65,460/- with interest at the rate 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.34,720/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:



NC: 2026:KHC:43769
MFA No. 9504 of 2025

CNR: KAHC010823882025

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant -claimant is entitled to enhanced compensation of Rs.34,720/- with interest at the rate of 6% per annum 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 appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 5
Ct.sm