



CNR: KAHC010834312025

NC: 2026:KHC:54640
MFA No. 9621 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9621 OF 2025

(MV-I)

BETWEEN:

SRI. NAGABHUSHAN K
S/O KRISHNAPPA
64 YEARS, R/AT KANAJENAHALLI
THIPPENAHALLI, CHIKKABALLAPURA-562 163.
...APPELLANT

(BY SRI. SHARADAMBA A R, ADVOCATE)

AND:

1. LIBERTY GENERAL INSURANCE CO. LTD.,
THE BRANCH MANAGER
No.21/15, THE LAND MARK
4TH FLOOR, NEAR TRINITY METRO STATION
M.G.ROAD, BENGALURU-560 001.

2. SRI SUJITH S.D
S/O DODDAPPAIAH
R/AT No.12, 1ST CROSS
SUJATHA BULDING, NEAR VINAYAKA TEMPLE
VIBHUTHIPURA MARATHALLI
BENGALURU – 560 017.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R1

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA





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V/O DTD. 22.07.2026 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:11.02.2025 PASSED IN MVC No.773/2023 ON THE FILE OF THE MEMBER, MACT, XVI ADDITIONAL JUDGE, COURT OF SMALL CAUSES, 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 appellant -claimant seeking enhancement of compensation awarded in judgment and award dated 11.02.2025 passed in MVC No.773/2023 by the XVI Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-14).

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.

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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 11.01.2023 contending that the accident occurred due to rash and negligent driving of rider of Royal Enfield bike bearing registration No.KA-01/JD-5488. 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 Pain and Suffering	30,000/-
02.	Towards Medical Expenses	71,600/-
03.	Towards attendant's charges, extra diet and conveyance	18,000/-
04.	Towards loss of amenities	25,000/-
05.	Towards loss of income during laid up period	32,000/-
06	Loss of Future Earnings	2,42,000/-

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07	Future Medical Expenses	25,000/-
Total		4,43,600/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -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.1 -insurer.

6. The accident occurred on 11.01.2023 and as on the date of accident the claimant was aged 64 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '7'. The notional income fixed for the year 2023 by Karnataka State Legal Services Authority is Rs.16,200/- and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal.

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7. The claimant has sustained the following injuries:

- i) Swelling and tenderness over (L) Knee and B/L wrist region.
- ii) Swelling and tenderness over (R) Knee, R-ray shows (R) tibia with (L) Knee dislocation.
- iii) Fracture of (R) radius.

Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.90,000/- and loss of amenities awarded in a sum of Rs.25,000/- is enhanced to Rs.70,000/-. The claimant has been admitted in hospital for 28 days and considering the same, the claimant is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.28,000/- (Rs.1,000/- x28days) as against Rs.18,000/- as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.71,600/-. Considering the injuries sustained by the claimant, he has to take the rest at least for 03 months and therefore, he is entitled to loss of



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income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- x 3 months) as against Rs.32,000/- as awarded by the Tribunal.

8. P.W.2 is the doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 26% disability to the lower limb and 45% to the upper limb and whole body disability is 25.8%. But the Tribunal has taken disability at 18%. In cases of disability to the lower limb, $1/3^{\text{rd}}$ of the same is to be taken as disability to the whole body and in cases of disability to the upper limb, $1/4^{\text{th}}$ of the same is to be taken as disability to the whole body. The disability to the lower limb is 26% and $1/3^{\text{rd}}$ of the same is 8.66% and the disability to the upper limb is 45% and $1/4^{\text{th}}$ of the same is 11.25%. Therefore, the disability to the whole body is 19.91% (8.66% + 11.25%). Therefore, the disability to be taken to the whole body is 19.91% as against 18% as taken by the Tribunal. Considering the said aspect, loss of future income due to disability is calculated as under:

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Rs.16,250/- x12x7x19.91% =Rs.2,71,772/-.

9. P.W.2 -doctor stated that the claimant has to undergo one more surgery for removal of implant and therefore, claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.25,000/- as awarded by the Tribunal.

10. 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 Pain and Suffering	90,000/-
02.	Towards Medical Expenses	71,600/-
03.	Towards attendant's charges, extra diet and conveyance	28,000/-
04.	Towards loss of amenities	70,000/-
05.	Towards loss of income during laid up period	48,750/-
06	Loss of Future Earnings	2,71,772/-
07	Future Medical Expenses	30,000/-
Total		6,10,122/-

The claimant is entitled to total compensation of Rs.6,10,122/- as against Rs.4,43,600/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,66,522/- with

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interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 -insurer is liable to pay the said enhanced compensation. The claimant is not entitled to interest for delay period of 219 days in filing the appeal as per the order dated 22.07.2026 passed on IA No.1/2026.

11. 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.1,66,522 /- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The appellant is not entitled to interest for the delay period of 219 days in filing the appeal.
- iv) Respondent No.1 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

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- v) The appellant -claimant is entitled to release of
entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 23
CT:sm