



CNR: KAHC010838232025

NC: 2026:KHC:48630
MFA No. 9728 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9728 OF 2025

(MV-I)

BETWEEN:

SRI ALIM PASHA
S/O PASHA SAB
NOW AGED ABOUT 43 YEARS
R/A No. WARD No. 30
ISLAMPURA, DODDABALLAPURA
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI RAGHU R, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SRI PUNEETH KUMAR
MAJOR,
R/A No. 102, KOLUR (V)
ANTHARAHALLI (P)
KASABA (H)
BENGALURU-562 203.
2. THE MANAGER
TATA AIG GEN. INS. CO., LTD.,
No. 69, 3RD FLOOR
J.P. AND DEVI JAMBUKESHWAR



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ARCADE, MILLERS ROAD
BENGALURU-560 051.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 01.06.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:19.10.2024
PASSED IN MVC No.1463/2022 ON THE FILE OF THE X
ADDITIONAL COURT OF SMALL CAUSES AND MEMBER, MACT,
BENGALURU, SCCH-16, 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 claimants seeking enhancement of compensation awarded in the judgment and award dated 19.10.2024 passed in MVC No. 1463/2022 by the x Additional Court of Small Causes and Member, MACT, Bengaluru.

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained



by him in a road traffic accident that occurred on 24.12.2021 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-50-EF-4259. 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 income	Rs.5,40,000.00
2	Medical expenses	Rs.18,452.00
3	Pain and sufferings	Rs.40,000.00
4	Attendant charges	Rs.6,000.00
5	Food and nourishment	Rs.4,800.00
6	Conveyance expenses	Rs.4,000.00
7	Loss of income during treatment period	Rs.30,000.00
8	Loss of amenities	Rs.20,000.00
9	Future medical expenses	Nil
	Total	Rs.6,63,252.00

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.



4. Heard learned counsel for appellant and learned counsel for respondent No. 2 – Insurer.

5. The accident occurred on 24.12.2021 and as on the date of accident the claimant was aged 39 years. In the Aadhar card of the claimant – Ex.P.11, year of birth of the claimant has been shown as 1982. The accident took place on 24.12.2021. Even if the date of birth is taken as 01.01.1982, age of the claimant would be 39 years 11 months 23 days. Therefore, age of the claimant is to be taken as 39 years.

6. Claimant had sustained head injury. P.W.4 – Doctor has assessed the neuro disability at 40% to the whole body and the Tribunal has taken the disability at 20%. Claimant himself has given evidence and faced cross-examination without any difficulty. Considering the same, the Tribunal has rightly taken the disability to the whole body at 20%. Considering the age of the claimant, multiplier applicable is 15. Since the disability taken is



20%, future prospects are to be taken at 40%. In view of the above, loss of dependency is calculated as under:

$$15,000 + 6,000 (40\%) = \text{Rs.}21,000/-$$

$$21,000 \times 12 \times 15 \times 20\% = \text{Rs.}7,56,000/-$$

7. Considering the injuries sustained, namely right frontal linear undisplaced fracture with pneumocephalus with left temporal EDH, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- requires to be enhanced to Rs.50,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.30,000/-.

8. Considering the fact that claimant had sustained head injuries he had to take rest for atleast 3 months. Therefore, loss of income during the laid up period is to awarded in a sum of Rs.45,000/- (Rs.15,000 X 3 months) as against Rs.30,000/- awarded by the Tribunal.



9. Claimant was admitted in the hospital for 6 days and considering the same compensation awarded towards attendant charges, food and nourishment charges and conveyance charges is just and proper. The Tribunal has rightly awarded medical expenses considering the documents produced.

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

1	Pain and suffering	Rs.50,000.00
2	Loss of amenities	Rs.30,000.00
3	Loss of income during laid up period	Rs.45,000.00
4	Attendant charges	Rs.6,000.00
5	Food	Rs.4,800.00
6	Conveyance charges	Rs.4,000.00
7	Medical expenses	Rs.18,452.00
8	Loss of future income	Rs.7,56,000.00
	Total	Rs.9,14,252.00

11. Considering the above aspects claimant is entitled to total compensation of Rs.9,14,252/- as against Rs.6,63,252/- awarded by the Tribunal with interest. Consequently, claimant is entitled to enhanced



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compensation of Rs.2,51,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest for the delay period of 311 days in filing the appeal as per the order dated 02.07.2026 passed on I.A. No. 1/2025. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,51,000.00 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 for the delay period of 311 days.



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- d) Respondent No. 2 – 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.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 50
Ct.sm