HC-KAR

NC: 2026:KHC:63938
MFA No. 6411 of 2024
C/W MFA No. 110 of 2025

CNR: KAHC010564162024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6411 OF 2024

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 110 OF 2025 (MV-I)

IN MFA No. 6411/2024

BETWEEN:

CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LIMITED
BRANCH OFFICE, MANGALORE
16-1-44, 1ST FLOOR
S R COMPLEX, BENDOOR WALL ROAD
KANKANADY, MAGNALORE
HEREIN AT GOLDEN HEIGHTS COMPLEX
59TH CROSS, INDUSTRIAL SUBRUB
RAJAINAGAR 4TH BLOCK
BENGALURU – 560 010.
BY ITS MANAGER T .P. CLAIMS

…APPELLANT

(BY SRI. LINGARAJ H S, ADVOCATE)

AND:

1. SUDEEP
   NOW AGED ABOUT 20 YEARS
   S/O BALAKRISHNA

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JUDGE, HIGH COURT OF KARNATAKA

R/O G K NAGAR
HOMBADI VILLGE
KUNDAPURA TALUK.

2. CHANDRASHEKAR HEGDE
NOW AGE ABOUT 65 YEARS
S/O KRISHNAPPA HEGDE
R/O DABBEKATTE, JAPATHI VILALGE
KUNDAPURA TALUK.

…RESPONDENTS

(BY SRI. NAGARAJA HEGDE, ADVOCATE FOR R1
R2 CHANDRASHEKAR HEGDE – SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:03.04.2024 PASSED IN MVC No.327/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA, AWARDING COMPENSATION OF Rs.5,63,891/- AS COMPENSATION WITH INTEREST AT THE RATE OF 6 PERCENT P.A. ON Rs.5,48,891/- (EXCLUDING FUTURE MEDICAL EXPENSES) FROM THE DATE OF PETITION, TILL THE DATE OF DEPOSIT.

IN MFA No. 110/2025

BETWEEN:

SRI. SUDEEP
S/O BALAKRISHNA
AGED ABOUT 21 YEARS
R/O G .K NAGAR,
HOMBADI VILLAGE
KUNDAPURA TALUK – 576 201.

...APPELLANT

(BY SRI NAGARAJA HEGDE, ADVOCATE)

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JUDGE, HIGH COURT OF KARNATAKA

AND:

1. SRI. CHANDRASHEKAR HEGDE
S/O KRISHNAPA HEGDE
AGED ABOUT 65 EYARS
R/O DABBEKATTE
JAPTHI VILLAGE
KUNDAPURA TALUK - 576 201.

2. CHOLAMANDALAM MS GEN. INS. CO. LTD.,
BRANCH OFFICE:MANGALORE
16-1-44 (14), 1ST FLOOR
S R COMPLEX, BENDOOR WEL ROAD
KANAKANDY, MANGALORE - 575 002.
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI H S LINGARAJ, ADVOCATE FOR R2
R1 CHANDRASHEKAR HEGDE – SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:03.04.2024 PASSED IN MVC No.327/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. MFA No. 6411/2024 is filed by the Insurer challenging quantum of compensation and MFA No. 110/ 2025 is filed by the claimant seeking enhancement of

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compensation awarded by the Tribunal in the judgment and award dated 03.04.2024 passed in MVC No. 327/2022 by the Senior Civil Judge and Additional MACT Kundapura.

2. Even though the appeals are listed for `Admission' today, with the consent of learned counsel appearing for the parties they are taken up for disposal.

3. Claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 07.12.2021 due to the rash and negligent driving by the driver of Mahindra Goods Pickup bearing registration No. KA-20-AA-3828. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of income due to disability (13,300 + 40% = 18,620 X 12 X 18 X 10%)	Rs.4,02,192/-
2	Towards pain and suffering	Rs.20,000/-
3	Towards medical expenses	Rs.65,099/-
4	Towards conveyance, diet	Rs.15,000/-

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	and attendants charges	
5	Towards loss of income during laid up period	Rs.26,600/-
6	Towards loss of amenities	Rs.20,000/-
7	Towards future medical expenses	Rs.15,000/-
	Total	**Rs.5,63,891/-**

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed the Insurer to deposit the said award amount with interest. Insurer has filed the appeal challenging the quantum of compensation awarded by the Tribunal and the claimant has filed appeal seeking enhancement of the compensation awarded by the Tribunal.

5. Heard learned counsel for Insurer and learned counsel for claimant.

6. Learned counsel for Insurer would contend that even though the Tribunal has taken the disability at 10% it has added future prospects. In case where disability is less

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than 20%, future prospects are not to be added. With this he prayed to allow the appeal filed by the Insurer.

7. Learned counsel for claimant would contend that the compensation awarded by the Tribunal towards pain and suffering, loss of amenities and loss of income during laid up period are all on lower side considering the fracture sustained by the claimant. He further submits that the Doctor has stated 36% disability and the Tribunal has taken disability at only 10% to the whole body. With this, he prayed to allow the appeal filed by the claimant.

8. Having heard learned counsel for the parties the Court has perused the judgment, award and other material placed on record.

9. The accident occurred on 07.12.2021 and as on the date of accident claimant was aged 18 years. Considering the said age of the claimant, the Tribunal has rightly applied the multiplier `18'.

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10. Notional income fixed for the year 2021 by Karnataka State Legal Services Authority is Rs.15,000/- per month and the said income is to be taken as against 13,300/- taken by the Tribunal.

11. Claimant had sustained the following injuries:

Left leg : lower third tibia fracture, comminuted open fracture

12. Considering the said injuries sustained by the claimant, the compensation awarded towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.40,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.40,000/-.

13. Considering the injuries sustained, the claimant had to take rest for 2 months and considering the same the Tribunal has rightly awarded loss of income during laid up period for 2 months by taking the income at Rs.13,300/-. Now the income taken is Rs.15,000/- per month and therefore the claimant is entitled to loss of

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income during laid up period in a sum of Rs.30,000/- (Rs.15,000 X 2 months) as against Rs.26,600/- awarded by the Tribunal.

14. Claimant was admitted in the hospital for 5 days and therefore entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.5,000/- (Rs.1,000 X 5 days) as against Rs.15,000/- awarded by the Tribunal.

15. The Tribunal based on the documents awarded medical expenses of Rs.65,099/-.

16. P.W.2 - Doctor who has examined the claimant and assessed the disability stated that the claimant had sustained 36% disability in respect of whole body. The Tribunal has taken disability to the whole body at 10%. P.W.2 - Doctor has not stated what is the disability to the limb. Considering the said aspect, disability stated by the Doctor is to the lower limb and therefore 1/3rd of the same is to be taken as disability to the whole body. Therefore,

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disability is taken at 12% (1/3rd of 36%) as against 10% taken by the Tribunal. Since the disability taken is less than 20%, claimant is not entitled to future prospects which has been added by the Tribunal. In view of the above, loss of future income due to disability is calculated as under:

15,000 X 12 X 18 X 12% = Rs.3,88,800/-

17. Ex.P.8 is the disability certificate and it discloses that the claimant has to undergo surgery for removal implant and cost of the same would be around Rs.35,000/-. The Tribunal has awarded only Rs.15,000/-. Considering the said aspect, claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. Claimant is not entitled to interest on enhanced future medical expenses.

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

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1	Pain and suffering	Rs.40,000/-
2	Loss of amenities	Rs.40,000/-
3	Loss of income during laid up period	Rs.30,000/-
4	Attendant, conveyance, food and nourishment charges	Rs.5,000/-
5	Medical expenses	Rs.65,099/-
6	Future medical expenses	Rs.30,000/-
7	Loss of income due to disability	Rs.3,88.800/-
	Total	**Rs.5,98,899/-**

19. Considering the above aspects claimant is entitled to total compensation of Rs.5,98,899/- as against Rs.5,63,891/- awarded by the Tribunal with interest. Consequently, claimant is entitled to enhanced compensation of Rs.35,008/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Appellant in MFA No. 6411/2024 (respondent No. 2 before the Tribunal) – Insurer is liable to pay the said enhanced compensation with interest.

20. In view of the above, the following;

O R D E R

a) Both the appeals are allowed in part.

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b) Appellant - claimant is entitled to enhanced compensation of Rs.35,008/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day including the amount already deposited.

d) Claimant is not entitled to interest on future medical expenses.

e) The claimant is entitled to release of entire enhanced compensation.

f) Amount in deposit is ordered to be transmitted the Tribunal the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 45
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