NC: 2026:KHC:6058
MFA No. 1205 of 2023

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.1205 OF 2023(MV-I)

BETWEEN:

G. M. YOGESH GOWDA
S/O. MUNIKRISHNA
AGED ABOUT 10 YEARS
R/AT GIDDAHALLI VILLAGE
KESHWARA POST
CHIKKABALLAPURA TALUK AND DIST-562 102

SINCE APPELLANT IS MINOR
HE IS REPRESENTED BY HIS FATHER
BY NAME MUNIKRISHNA
S/O. MUNISHAMAPPA
AGED ABOUT 50 YEARS AS NATURAL GUARDIAN

...APPELLANT

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

(BY SRI NAGARAJA M., ADVOCATE)

AND:

1. FUTURE GENERAL INDIA INSURANCE COMPANY
LIMITED
PASADENA

NO.18/1,(OLD NO.125/A)
3RD FLOOR, ASHOKA PILLAR ROAD
IST BLOCK, JAYANAGAR
BENGALURU-560 082
IT IS REPRESENTED BY MANAGER

2. VENU GOPAL H. V.
S/O. VENKATAPPA
HOSAHIDYA VILLAGE
KESHAVARA
CHIKKABALLAPURA, KOLAR
KARNATAKA-562 101

…RESPONDENTS

(BY SRI B. C. SHIVANNE GOWDA, ADVOCATE FOR R-1;
R-2 IS SERVED, D/W VIDE ORDER DATED 03.02.2026)

THIS MFA IS FILED U/S. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.01.2023 PASSED IN MVC NO.3939/2020 ON THE FILE OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, BENGALURU (SCCH-25), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR DISMISSAL, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Nagaraja.M, learned counsel for the appellant as well as Sri.B.C.Shivanne Gowda, learned counsel for respondent No.1.

2. This appeal is the outcome of the award that is passed by the Motor Accident Claims Tribunal, Bengaluru in MVC NO.3939/2020 dated 12.01.2023. This is a claimant's appeal.

3. The appellant who was admittedly aged around 7 years as on the date of accident, filed a petition claiming compensation on the ground that he sustained a grievous injury in a road traffic accident that occurred in the year 2020. The Tribunal through the impugned order held that the appellant is entitled to a sum of Rs.1,55,200/- as compensation. With a version that he is entitled to a higher sum this appeal is filed.

4. Arguing on the merits of the matter, learned counsel for the appellant submits that the appellant sustained grievous injury and took extensive treatment. However, he is left with permanent physical disability. Pw.2 clearly stated that the disability in respect of right lower limb is 35% and to the whole body is 11.66%. But the Tribunal took the disability in respect of whole body as 8% and awarded very meager sum as compensation. Learned counsel further submits that as per the decision of the Hon'ble Apex Court in *Master Mallikarjun vs. Divisional Manager, The National Insurance Company Limited and Another* reported in *AIR 2014 SC 736*, where the disability is above 10% and up to 30% in respect of whole body, the injured is entitled to a sum of Rs.3,00,000/-, but the Tribunal granted a sum of Rs.1,00,000/- only. Learned counsel thereby seeks for enhancement in compensation.

5. Per contra, learned counsel for respondent No.1 contends that the disability assessed by the Tribunal is proper and as the disability in respect of whole body is

8%, basing on the decision that is relied upon by learned counsel for the appellant himself, he is entitled to a sum of Rs.1,00,000/-.

6. There is no denial of the fact that the appellant sustained fracture of right proximal 1/3rd of femur shaft and took treatment for the said injury. Equally it is not in dispute that Pw.2 assessed the disability in respect of the affected limb as 35% and in respect of whole body as 11.66%. The Tribunal however took the disability in respect of whole body as 8%. The Tribunal awarded a sum of Rs.1,00,000/- towards pain and suffering, loss of comforts and amenities, Rs.20,000/- towards discomfort, inconvenience and loss of earnings of the parent during laid up period, Rs.10,149/- towards medical expenditure, Rs.15,000/- towards conveyance, attendant, nourishment etc., and Rs.10,000/- towards future medical expenses. In total the Tribunal awarded a sum of Rs.1,55,149/- as compensation. However, having considered the nature of injury sustained, the disability assessed by Pw.2 and the

disability assessed by the Tribunal in respect of whole body and as this Court is of the view that the disability as assessed by Pw.2 is on higher side and the disability assessed by the Tribunal in respect of whole body is on slightly lower side, this Court considers desirable to award the appellant an additional sum of Rs.75,000/- so that the compensation which the appellant receives in whole will be justifiable. Therefore, the appeal is disposed of with the following:

ORDER

(i) The appeal is *allowed in part*.

(ii) The compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.3939/2020 dated 12.01.2023 is enhanced by Rs.75,000/-.

(iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.

(iv) Respondent No.1 is directed to deposit the enhanced sum within a period of 8(eight) weeks from the date of receipt of certified copy of this judgment.

(v) On such deposit, the Tribunal is directed to invest 50% of the deposited amount in any interest yielding fixed deposit scheme of any Nationalized Bank until the appellant attains the age of majority.

(vi) On his attaining the age of majority he is permitted to withdraw the same.

(vii) The Tribunal is directed to release 50% of the enhanced sum to the guardian of the appellant to meet the needs of the appellant including future medical expenses.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:VC
List No.: 1 Sl No.: 16