HC-KAR

NC: 2026:KHC:64344
MFA No. 2111 of 2026

CNR: KAHC010203122026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2111 OF 2026 (MV-I)

BETWEEN:

SMT. SUNITHA D N
W/O. SHIVANNA K.R.
AGED ABOUT 36 YEARS
R/AT No. 133, GOWRIPET
3RD CROSS, OPP. TO
AKSHYA NURSING HOME
KOLAR, KARNATAKA – 563 101.

…APPELLANT

(BY SRI. KAILAS SHANKAR P S, ADVOCATE)

AND:

1. SRI BASANTH KUMAR M D
S/O. NIRMALA DEVKUMAR
MAJOR, R/OF No. 34,
1ST B CROSS, 5TH MAIN
AGS LAYOUT, AREHALLI
OPP. RHYTHEMI, BUETY PARLOUR
NEAR SAI BABA TEMPLE, BENGALURU
KARNATAKA – 560 061.

2. THE MANAGER
UNIVERSAL SOMPO GEN. INSURANCE CO. LTD.,
No. 217/A, 3RD FLOOR, KVV SAMRAT
3RD MAIN, OUTER RING ROAD

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

KASTURI NAGAR
BANGALORE – 560 043.

…RESPONDENTS

(BY SRI D VIJAYA KUMAR, ADVOCATE FOR R2
V/O DTD. 25.03.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:01.07.2025 PASSED IN MVC No.2590/2023 ON THE FILE OF THE III ADDL. JUDGE AND MOTOR VEHICLES ACCIDENT CLAIM TRIBUNAL, BENGALURU,(SCCH -18) ,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 claimant seeking enhancement of compensation awarded in the judgment and award dated 01.07.2025 passed in MVC No. 2590/2023 by the III Additional Judge and MACT, Bengaluru (SCCH-18).

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

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3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 05.03.2023 due to the rash and negligent driving by the driver of Maruti Omni car bearing registration No. KA-05-MV-3285. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and suffering	Rs.60,000/-
2	Loss of income during laid up period and rest period	Rs.48,000/-
3	Medical expenses	Rs.8,03,545/-
4	Attendant, Nourishment and Conveyance Charges	Rs.40,000/-
5	Loss of future income due to disability	Rs.5,52,960/-
6	Loss of amenities	Rs.20,000/-
7	Future medication	Rs.60,000/-
	Total	**Rs.15,84,505/-**

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 respondent No. 2 – Insurer to deposit the said award

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amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

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

6. The accident occurred on 05.03.2023 and as on the date of accident claimant was aged 34 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier 16. Notional income fixed for the year 2023 is Rs.16,250/- per month and the said income is to be taken as against Rs.16,000/- taken by the Tribunal.

7. Claimant had sustained the following injuries:

a. Multiple rib fractures over hemitorax 3-11 ribs

b. Grade IV liver injuries, grade I splenic injuries, Grade I renal injuries

c. Right ilia wing fracture with right anterior column fracture and bilateral superior and inferior public rami fracture

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d. Ilium wing fracture with right and left superior and inferior pubic rami fracture with right acetabular wall fracture + multiple rib fracture at right side (3-11)

8. Considering the said injuries sustained by the claimant the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.80,000/-.

9. The Tribunal, considering the injuries sustained by the claimant, has awarded loss of income during laid up period for 3 months by taking the income at Rs.16,000/- per month. As now income taken is Rs.16,250/-, claimant is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250 X 3 months) as against Rs.48,000/- awarded by the Tribunal.

10. Claimant was admitted in the hospital for 34 days and considering the same the Tribunal has rightly awarded attendant, conveyance, food and nourishment charges in a sum of Rs.40,000/-.

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11. The Tribunal has also rightly awarded medical expenses based on the documents in a sum of Rs.8,03,545/-.

12. P.W.4 - Doctor has stated that the claimant had sustained 66% disability to the lower limb and 22% to the whole body and the Tribunal has taken the disability at 18%. The Doctor has stated that the fracture is united. Considering the said evidence of the Doctor and the fracture sustained by the claimant, the Tribunal has rightly taken the functional disability at 18%.

13. In the view of the above, loss of future income due to disability is calculated as under:

Rs.16,250 X 12 X 16 X 18% = Rs.5,61,600/-

14. The Doctor has stated that claimant has to undergo surgery for hip replacement and estimated the expenses at Rs.2,60,000/-. Said opinion given by the Doctor was more than 2 years ago. No material is placed on record to show that claimant has undergone hip replacement surgery. Considering the said aspect, the Tribunal has rightly awarded future medical expenses of Rs.60,000/-.

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

1	Pain and suffering	Rs.1,00,000/-
2	Loss of amenities	Rs.80,000/-
3	Loss of income during laid up period	Rs.48,750/-
4	Attendant, conveyance, food and nourishment charges	Rs.40,000/-
5	Medical expenses	Rs.8,03,545/-
6	Future medical expenses	Rs.60,000/-
7	Loss of future income due to disability	Rs.5,61,600/-
	Total	**Rs.16,93,895/-**

16. Considering the above aspects claimant is entitled to total compensation of Rs.16,93,895/- as against Rs.15,84,505/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.1,09,390/- 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 154 days in filing the appeal as per the order dated 25.03.2026 passed on I.A. No. 1/2026. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

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17. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

b) Appellant - claimant is entitled to enhanced compensation of Rs.1,09,390/- 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 154 days.

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.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 64
Ct.sm