HC-KAR
NC: 2026:KHC:64191
MFA No. 2882 of 2025
CNR: KAHC010256972025

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. 2882 OF 2025

(MV-I)

BETWEEN:

SHRI KUMAR N
SON OF NARASIMHAIAH
NOW AGED ABOUT 25 YEARS
RESIDING AT 5TH BLOCK
KUDURU VILLAGE AND HOBLI
MAGADI TALUK
RAMANAGARA DISTRICT-561 101.

...APPELLANT

(BY SRI. CHANDRASHEKARAIAH B, ADVOCATE)

AND:

1. SHRI ADAM
SON OF K.A.MOHAMMED
MAJOR
(AGED OF RESPONDENT No.1
NOT NOWN TO APPELLANT)
RESIDING AT: DOTA HOUSE MIJAR POST,
THODAR MANGALORE
DAKSHINA KANNADA-574 227.

2. UNITED INDIA INSURANCE COMPANY LTD.,
D.O. 6TH FLOOR, KRISHI BHAVAN
NRUPATHUNGA ROAD
HUDSON CIRCLE

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

BENGALURU-560 001.
BY ITS MANAGER.

…RESPONDENTS

(BY SRI P B RAJU, ADVOCATE FOR R2
V/O DTD. 21.04.2025, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:21.11.2022 PASSED IN MVC No.7943/2019 ON THE FILE OF THE III ADDITIONAL JUDGE, MEMBER AND MACT, 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 21.11.2022 passed in MVC No.7943/2019 by the III Additional Judge, Court of Small Causes and MACT, Bengaluru.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of

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learned counsel for appellant and learned counsel for respondent No.2 -insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 06.11.2019 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-19/MJ-4209. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Compensation heads	**Compensation amount**
1. Pain and Suffering	Rs.55,000-00
2. Loss of income during laid-up period and rest period	Rs.21,000-00
3. Medical expenses	Rs.1,17,887-00
4. Attendant, Nourishment and Conveyance Charges	Rs.15,000-00
5. Loss of future income	Rs.3,02,400-00
6.Loss of Amenities	Rs.15,000-00
7. Future medication	Rs.20,000-00
Total	**Rs.5,46,287-00**

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4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -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.2 –insurer.

6. The accident occurred on 06.11.2019 and as of the date of accident, the claimant was aged 17 years. The appellant is not seeking enhancement of compensation under head of loss of future income due to disability awarded by the Tribunal. The claimant is seeking enhancement of compensation awarded under heads of pain and suffering, loss of amenities and loss of income during laid-up period.

7. The claimant has sustained the following injuries:

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i) Injury to the right lower limb

ii) X-ray shows suggestive fracture of tibia and fibula

iii) Bleeding from right ear

The claimant has sustained head injury and there was bleeding from right ear. Ex.P12 -discharge summary indicate that the claimant had mild head injury, right temporal contusion and cerebral edema and fracture of right tibia and fibula. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.55,000/- is enhanced to Rs.1,20,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.80,000/-. The claimant was aged 17 years and one of the parent has to take his care during the period of treatment and rest. Therefore, the claimant is entitled to loss of income during laid up period to parent for 02 months in a sum of Rs.28,000/- (Rs.14,000/- x 02 months) as against Rs.21,000/- awarded by the Tribunal. The Tribunal has rightly awarded attendant, conveyance

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charges, food and nourishment etc., medical expenses and future medical expenses.

8. The claimant is entitled to enhanced compensation under the following heads:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	65,000/-
02.	Towards loss of amenities	65,000/-
03.	Towards loss of income during laid up period to one of parent	7,000/-
	Total	**1,37,000/-**

The claimant is entitled to enhanced compensation of Rs.1,37,000/- with interest at the rate of 6% per annum from the date of petition till realization. The claimant is not entitled to interest for the delay period of 781 days in filing the appeal as per order dated 10.09.2026 passed on IA No.1/2025. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following

ORDER

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

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ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,37,000/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The appellant -claimant is not entitled to interest for the delay period of 781 days in filing the appeal.

iv) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

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.: 48
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