HC-KAR

NC: 2026:KHC:60287
MFA No. 2830 of 2026

CNR: KAHC010269572026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2830 OF 2026 (MV-I)

BETWEEN:

MAHESH P
S/O PAPIREDDY,
NOW AGED ABOUT 26 YEARS,
RESIDENT OF RAYAPPANAHALLI VILLAGE,
SIDLAGATTA TALUK,
CHIKKABALLAPURA DISTRICT.

…APPELLANT

(BY SMT. SUSMITHA G., ADVOCATE FOR
SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. SRIKANTH H.N,
S/O NARYANASWAMY, MAJOR IN AGE,
RESIDENT OF HARALAHALLI VILLAGE,
SIDLAGATTA TALUK,
CHIKKABALLAPURA DISTRICT - 562 105.

2. THE IFFCO-TOKIO GENERAL
INSURANCE COMPANY LIMITED
SRI. SHANTHI TOWERS, 5TH FLOOR, NO.141,
3RD MAIN, EAST OF NGEF LAYOUT,
KASTURI NAGAR, BENGALURU - 560 043,
REP. BY ITS MANAGER.

…RESPONDENTS

(BY SRI. VIJAYAKUMAR, ADVOCATE FOR R2;
VIDE ORDER DATED 02.09.2026, NOTICE TO R1 IS
DISPENSED WITH)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 03/01/2026 PASSED IN MVC NO.4432/2024 ON THE FILE OF THE 10TH ADDITIONAL SMALL CAUSES AND MOTOR ACCIDENT CLAIMS TRIBUNAL, 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 03.01.2026 passed in MVC No.4432/2024 by X Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-16).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 15.04.2024 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.KA-40-A-9477.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount	
1.	Loss of future income	Rs.	5,34,600/-
2.	Medical expenses	Rs.	9,813/-
3.	Pain and sufferings	Rs.	60,000/-
4.	Attendant charges	Rs.	25,000/-
5.	Food and nourishment	Rs.	20,000/-
6.	Conveyance expenses	Rs.	10,000/-
7.	Loss of income during treatment period	Rs.	49,500/-
8.	Loss of amenities	Rs.	40,000/-
9.	Future medical expenses	Rs.	20,000/-
	Total	**Rs.**	**7,68,913/-**
	90% of Total	**Rs.**	**6,92,022/-**

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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the charge sheet has been filed against driver of the car. The accident occurred on the left side of the road on which the claimant/rider of the motorcycle was moving and that itself clearly indicates that the car came on his extreme right side and dashed to the motorcycle and driver of car is sole negligent in causing the accident. The Tribunal erred in holding contributing negligence on the part of the claimant on the ground that there were two pillion riders on the motorcycle. The charge sheet does not indicate any allegation of rash and

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negligent driving on the part of the claimant/rider of the motorcycle. She further contends that P.W.2 - Doctor has stated that the claimant has sustained 50.07% disability to the right lower limb and 15.79% disability to the right upper limb and 19% to the whole body and The Tribunal erred in taking the disability at only 15%. The notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. She further submitted that, she is not seeking any enhancement of compensation under other heads awarded by the Tribunal except loss of future income due to disability. With these, she prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, there were two pillion riders on the motorcycle and considering the same, the Tribunal has rightly held that the claimant/rider of the motorcycle has contributed to the accident and assessed at the same 10%. The compensation awarded on all heads is on higher

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side. The Tribunal has rightly taken the disability at 15%. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment, Award and trial Court records.

10. The following points are raises for consideration:

I) Whether the Tribunal is justified in attributing contributory negligence on the part of the claimant/rider of the motorcycle?

II) Are there any grounds for enhancement of the compensation?

REASONS

11. **POINT NO.I :** The accident occurred on 15.04.2024 at 08:40 a.m. Ex.P6 is a charge sheet and it is filed against the driver of the car bearing registration No.KA-40-A-9477 for rash and negligent driving for offences punishable under Sections 279, 337 and 338 of

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Indian Penal Code. In the charge sheet, there is no allegation of rash and negligent driving on the part of rider of the motorcycle i.e., the claimant. The sketch - Ex.P4 indicates that the spot of accident is on the left side of the road on which the claimant/rider of the motorcycle was proceeding and it is on the right side of the road on which the car was proceeding. That itself clearly indicates that the car went to the extreme right side and dashed to the motorcycle. Considering the same contributory negligence cannot be alleged against the claimant/rider of the motorcycle. Merely because the claimant was riding the motorcycle on which there were two pillion riders is not a ground for attributing contributory negligence on his part, since the said aspect has not contributed to the accident. More so, one of the pillion rider was a child aged eight (08) years. Therefore the Tribunal has erred in attributing contributory negligence on the part of the claimant/rider of the motorcycle. The accident occurred due to sole rash

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and negligent driving on the part of the driver of the insured car. Accordingly ***point No.I*** is answered.

12. **POINT NO.II :** The claimant has sustained fracture mid shaft of right femur and degloving injury of right forearm. P.W.2 - Doctor has examined the claimant, assessed his disability and stated that the claimant has sustained 50.07% disability to the right lower limb and 15.79% to the right upper limb and 19% to the whole body. The Tribunal has taken disability at 15%. P.W.2 - Doctor has stated that the fracture is united and there is no fracture to the right upper arm. Considering the said aspect, the Tribunal has rightly taken the disability to the whole body at 15%.

13. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- per month and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. The Tribunal has rightly applied multiplier '18' since the claimant was

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aged twenty four (24) years. In view of the same, loss of future income due to disability is calculated as under:

Rs.17,000/- X 12 X 18 X 15% = Rs.5,50,800/-

14. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount	
1.	Loss of future income	Rs.	5,50,800/-
2.	Medical expenses	Rs.	9,813/-
3.	Pain and sufferings	Rs.	60,000/-
4.	Attendant charges	Rs.	25,000/-
5.	Food and nourishment	Rs.	20,000/-
6.	Conveyance expenses	Rs.	10,000/-
7.	Loss of income during treatment period	Rs.	49,500/-
8.	Loss of amenities	Rs.	40,000/-
9.	Future medical expenses	Rs.	20,000/-
	Total	**Rs.**	**7,85,113/-**

15. The claimant is entitled to total compensation of Rs.7,85,113/- as against Rs.6,92,022/- awarded by the Tribunal with interest.

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16. Consequently, the claimant is entitled to enhanced compensation of Rs.93,091/- (Rs.7,85,113/- - Rs.6,92,022/-) with interest at the rate of 6% per annum from the date of petition till realisation. Accordingly, ***point No.II*** is answered.

17. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

18. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellant/claimant is entitled to enhanced compensation of Rs.93,091/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

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iv) The appellant/claimant is entitled to release of entire enhanced compensation with interest.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 33