HC-KAR

NC: 2026:KHC:59671
MFA No. 3095 of 2025

CNR: KAHC010272922025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3095 OF 2025

(MV-I)

BETWEEN:

MR ZAHEER @ JAHEEER AHMED
@ ZAHEER AHMED KHAN
S/O. BASHASAB
AGED ABOUT 49 YEARS
R/AT No.55/6, MS PALYA
BENGALURU NORTH
BENGALURU-560 097.

...APPELLANT

(BY SRI VIJAY KUMAR T, ADVOCATE)

AND:

1. MR KADAPPA NAGARJUNA REDDY
   S/O. NARAYANA REDDY
   AGED MAJOR, No.E350
   RAJANNA BUILDING,
   17TH CROSS, KONDAPPA LAYOUT
   YELAHANKA, BENGALURU-573 213.

2. THE MANAGER
   THE UNITED INDIA INSURANCE CO. LTD.,
   T.P. HUB, KRUSHI BHAVAN BUILDING,

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

6TH FLOOR, HUDSON CIRCLE
BENGALURU-560 001.

…RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 28.04.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.08.2024 PASSED IN MVC No. 5171/2022 ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-24), 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 01.08.2024 passed in MVC No.5171/2022 by the XXII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-24).

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 31.08.2022 contending that the accident occurred due to rash and negligent driving of the driver of Tata Sumo Car bearing Regn.No.KA-04-N-9224. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Towards pain and sufferings	50,000/-
02.	Towards conveyance, attendant charges and nourishing food	20,000/-
03.	Towards loss of income during laid up period	46,500/-
04.	Future loss of income	2,90,160/-
05.	Medical expenses	25,335/-
06.	Future medical expenses	20,000/-
07.	Discomfort and amenities	25,000/-
	Total	**4,76,995/-**

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

4. The Tribunal also awarded interest @ 6% p.a. 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 31.08.2022 and as on the date of accident, the claimant was aged 46 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '13' and considering the year of accident, the Tribunal has rightly taken notional income at Rs.15,500/- p.m.

7. As per the evidence of PW.4 – Doctor, the claimant has sustained the following injuries:

(i) Left segmental femur fracture.

(ii) Left segmental tibia and fibula fracture.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

8. Considering the said fractures, the compensation awarded by the Tribunal toward pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.25,000/- is enhanced to Rs.80,000/-. The claimant has been admitted in the hospital for 15 days. Considering the same, the Tribunal has rightly awarded Rs.20,000/- towards attendant, conveyance charges, food and nourishment etc. and also rightly awarded a sum of Rs.46,500/- towards loss of income during laid up period for three months. The Tribunal has rightly awarded medical expenses of Rs.25,335/- based on the bills.

9. PW.4 – Doctor has stated that claimant has to undergo surgery for removal of implants and estimated the cost of the same at Rs.25,000/-. The Tribunal has awarded Rs.20,000/- towards future medical expenses. As per the evidence of the Doctor, the claimant is entitled to future medical expenses at Rs.25,000/-.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

10. PW.4 – Doctor who has examined the claimant assessed his disability and stated that the claimant has sustained 69% disability to the left lower limb and 23% to the whole body. The Tribunal has taken disability to the whole body at 12%. In cases of disability to the lower limb, 1/3rd of the same has to be taken. Therefore, the disability to be taken is 23% (1/3rd of 69%). Since the disability is more than 20%, the claimant is entitled to future prospects at 25%. In view of the same, the loss of future income due to disability is calculated as under:

Rs.15,500 x 12 x 13 x 23% + 25% = Rs.6,95,175/-

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	1,00,000/-
02.	Loss of amenities	80,000/-
03.	Attendant, conveyance charges, food and nourishment	20,000/-
04.	Loss of income during laid up period	46,500/-
05.	Medical expenses	25,335/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

06.	Future medical expenses	25,000/-
07.	Loss of future income	6,95,175/-
	Total	**9,92,010/-**

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.9,92,010/- as against Rs.4,76,995/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.5,15,015/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

In view of the above, the following:

ORDER

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

ii) The appellant/claimant is entitled to enhanced compensation of Rs.5,15,015/- with interest @ 6% p.a. from the date of petition till realization.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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

iv) Out of the enhanced compensation, 50% shall be released to the claimant and remaining 50% shall be kept in fixed deposit in his name with Karnataka Bank, City Civil Court Branch, Bengaluru, for a period of three years.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 17
Ct.sm