HC-KAR

NC: 2026:KHC:65152
MFA No. 3040 of 2026

CNR: KAHC010286882026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3040 OF 2026

(MV-I)

BETWEEN:

SMT. BASAVARAJAMMA
W/O. NINGE GOWDA
AGED ABOUT 49 YEARS
R/AT ACHALU VILLAGE
SATHNOOR HOBLI
KANAKAPURA TALUK
BANGALORE SOUTH DISTRICT -562 117.

...APPELLANT

(BY SMT. NITHYA ABHILASH, ADVOCATE FOR
SRI. PRAKASH M H, ADVOCATE)

AND:

1. SRI NAVEEN KUMAR B
S/O. DURVASA,
AGE MAJOR,
R/AT No.33/34, 13TH CROSS
BENDRENAGARA, BSK 2ND STAGE
BANGALORE-560 070.

2. CHOLA MS GENERAL INSURANCE CO. LTD.,
OFFICE AT, UNIT No.04,
9TH FLOOR, LEVEL-06
GOLDEN HEIGHTS COMPLEX
59TH C CROSS ROAD

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JUDGE, HIGH COURT OF KARNATAKA

4TH M BLOCK, INDUSTRIAL SUBURB
RAJAJINAGAR, BANGALORE-560 010.
REP. BY ITS MANAGER.

…RESPONDENTS
(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 29.09.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:25.10.2025 PASSED IN MVC No.1613/2024 ON THE FILE OF THE MEMBER, MACT, XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU SCCH-17 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 25.10.2025 passed in MVC No.1613/2024 by the XIX Additional Judge, Court of Small Causes, Member, MACT, Bengaluru (SCCH-17).

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 her in a road traffic accident occurred on 10.01.2024 contending that the accident occurred due to rash and negligent riding of the rider of motor cycle bearing Regn.No.KA-05-LH-1949. 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.	Pain and agony	60,000/-
02.	Medical expenses	15,300/-
03.	Loss of income during laid up period	66,000/-
04.	Towards disability	4,89,060/-
05.	Food, nourishment and conveyance	25,000/-
06.	Attendant charges	7,000/-
07.	Loss of amenities	40,000/-
08.	Future medical expenses	50,000/-
	Total	**7,52,360/-**

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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 10.01.2024 and as on the date of accident, the claimant was aged 47 years. Considering the said age of claimant, the Tribunal has rightly taken multiplier '13'. The notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

7. The Tribunal has sustained right closed mishaft humerus fracture and right closed segmental tibia fractures. Considering the said injuries sustained, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- is enhanced to

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Rs.80,000/- and loss of amenities in a sum of Rs.40,000/- is enhanced to Rs.70,000/-.

8. The claimant has been admitted in the hospital for 16 days and therefore, entitled to attendant and conveyance charges, food and nourishment in a sum of Rs.16,000/- (Rs.1,000 x 16 days) as against Rs.25,000/- awarded towards food, nourishment and conveyance, and Rs.7,000/- awarded towards attendant charges. The Tribunal based on the documents has rightly awarded medical expenses of Rs.15,300/-. Considering the injuries sustained, the claimant has to take rest atleast for four months and the Tribunal has awarded loss of income during laid up period in a sum of Rs.66,000/-. As now the income taken is Rs.17,000/- p.m. the loss of income during laid up period is Rs.68,000/- (Rs.17,000 x 4 months).

9. PW.2 – Doctor has examined the claimant, assessed his disability and stated that the claimant has

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sustained 42% disability to the right lower limb and 45% disability to the right upper limb and 26% disability to the whole body. The Tribunal has taken disability at 19% to the whole body. The occupation of the claimant is stated to be agriculture. Considering the said injuries/fractures sustained, the evidence of doctor and the avocation of the claimant, the Tribunal has rightly taken the disability to the whole body at 19%. In view of the loss of future income due to disability is calculated as under:

Rs.17,000 x 12 x 13 x 19% = Rs.5,03,880/-

10. The Tribunal based on the evidence of Doctor has rightly awarded future medical expenses in a sum of Rs.50,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income due to disability	5,03,880/-
02.	Pain and suffering	80,000/-
03.	Loss of amenities	70,000/-

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04.	Loss of income during laid up period	68,000/-
05.	Attendant, conveyance charges, food and nourishment etc.	16,000/-
06.	Medical expenses	15,300/-
07.	Future medical expenses	50,000/-
	Total	**8,03,180/-**

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.8,03,180/- as against Rs.7,52,360/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.50,820/- 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.50,820/- with

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interest @ 6% p.a. from the date of petition till realization.

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) Appellant is entitled to release of entire enhanced compensation.

Learned counsel for respondent No.2 is permitted to file vakalath within one week.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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List No.: 1 Sl No.: 54
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