HC-KAR
CNR: KAHC010288482026

NC: 2026:KHC:65507
MFA No. 3087 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3087 OF 2026

(MV-I)

BETWEEN:

SRI GOVINDARAJU
S/O SANNADEVAIAH
AGED ABOUT 64 YEARS
R/AT WARD No.21
ASHRAMA SCHOOL ROAD
HOSABADAVANE
AMBEDKAR NAGARA
HOLENARASIPURA TOWN
HASSAN DISTRICT.

...APPELLANT

(BY SRI. SHASTRI SHRIPAD VISHWANATHA, ADVOCATE)

AND:

1. SMT.PUSHPARANI G
W/O MATHIVANNAN
AGED ABOUT 62 YRS
R/AT No.25, SHIRADI SAYI NAGARA
3RD STAGE, K NARAYANAPOURA
TANNISANDRA, BENGALURU.
AND
SMT. PUSHPARANI G
W/O MATHIVANNAN
AGED ABOUT 62 YEARS

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R/AT No.25, SHIRADI SAYI NAGARA
3RD STAGE, K NARAYANAPOURA
VENKATESHAPURA, HEGGADE NAGARA
BENGALURU.

2. THE MANAGER
BAJAJ ALLIANZ GENERAL INSURANCE CO., LTD.,
PATRAVYAVAHARA OFFICE, No.151
1ST MAIN ROAD, 7TH BLOCK EXTENSION
OPP. SOMASHEKHAR TEMPLE
NEAR AMMIS BIRYANI, KORAMANGALA
BENGALURU.

4. SMT. SOUNDARYA
W/O KUMARA H R
AGED ABOUT 31 YEARS
R/AT HIRITALALU VILLAGE
HALLIMYSURU HOBL
HILENARASIPURA TALUK.

5. SRI SYED KHALIMULLA
S/O M D SYED
AGED ABOUT 30 YEARS
R/AT WARD No.19
BAGEPALLI NAGARA
CHIKKABALLAPURA DISTRICT.

6. THE MANAGER
ROYAL SUNDARAM GENERAL INSURANCE CO. LTD.,
PATHRAVYAVAHARA OFFICE
DOOR No.620, A-1
12TH MAIN ROAD, 35TH CROSS ROAD
SECOND BLOCK, OPP. HANUMAN TEMPLE,
RAJAJINAGARA, BENGALURU.

…RESPONDENTS

(BY SRI P S JAGADEESH, ADVOCATE FOR R2
V/O DTD. 01.06.2026, NOTICE TO R1, R3 TO R5 D/W)

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:17/01/2026 PASSED IN MVC No.727/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, HOLENARASIPURA., 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 17.01.2026 passed in MVC No. 727/2022 by the Senior Civil Judge and MACT, Holenarasipura.

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.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on

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05.09.2021 due to the rash and negligent driving by the driver of car bearing registration No. KA-05-MJ-0250. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards loss of future earnings	Rs.25,200/-
2	Towards pain and suffering	Rs.20,000/-
3	Attendance charges	Rs.3,000/-
4	Conveyance charges	Rs.3,000/-
5	Towards Food, diet and nourishment	Rs.5,000/-
6	Towards loss of amenities	Rs.5,000/-
7	Towards loss of income during laid up period	Rs.15,000/-
8	Towards medical expenses	Rs.11,600/-
	Total	**Rs.87,800/-**

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

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deposit the said award 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 05.09.2021 and as on the date of accident, claimant was aged 61 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier 7. Considering the year of accident, the Tribunal has rightly taken notional income at Rs.15,000/- per month.

7. Claimant had sustained the following injuries:

a. fracture of swelling right ankle with restricted ankle and foot movements

b. swelling shoulder with restricted pain full shoulder movements

8. Considering the said injuries sustained, the compensation awarded by the Tribunal towards pain and

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suffering in a sum of Rs.20,000/- is enhanced to Rs.40,000/- and loss of amenities awarded in a sum of Rs.5,000/- is enhanced to Rs.30,000/-.

9. Claimant was admitted in the hospital for 2 days and therefore entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.2,000/- (Rs.1,000 X 2 days) as against Rs.3,000/- awarded by the Tribunal towards attendant charges, Rs.3,000/- towards conveyance charges and Rs.5,000/- towards food, diet and nourishment.

10. Considering the injuries/fracture sustained by the claimant and his age, the claimant had to take rest at-least for 2 months and therefore entitled to loss of income during laid up period in a sum of Rs.30,000 (Rs.15,000 X 2 months) as against Rs.15,000/- awarded by the Tribunal.

11. The Tribunal, based on the documents, has rightly awarded medical expenses of Rs.11,600/-.

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12. The Doctor who examined the claimant, assessed his disability has stated that the claimant had sustained 6% disability to the right lower limb and 6% disability to the left upper limb. The Tribunal has taken the disability at 2%. Considering the said evidence of the Doctor, disability is to be taken at 4% (1/3rd of 12%). In view of the above, loss future income due to disability is calculated as under:

15,000 X 12 X 7 X 4% = Rs.50,400/-

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

1	Pain and suffering	Rs.40,000/-
2	Loss of amenities	Rs.30,000/-
3	Attendant, conveyance, food and nourishment charges	Rs.2,000/-
4	Loss of income during laid up period	Rs.30,000/-
5	Loss of future income due to disability	Rs.50,400/-
6	Towards medical expenses	Rs.11,600/-
	Total	**Rs.1,64,000/-**

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14. Considering the above aspects claimant is entitled to total compensation of Rs.1,64,000/- with interest as against Rs.87,800/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.76,200/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

15. 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.76,200/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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d) Appellant - claimant is entitled to release of entire enhanced compensation.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 46
Ct.sm