HC-KAR
CNR: KAHC010342722025

NC: 2026:KHC:64345
MFA No. 3749 of 2025

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. 3749 OF 2025

(MV-I)

BETWEEN:

SRI DEVARAJU
S/O LINGAPPA
AGED ABOUT 39 YEARS
R/AT CHIKKABEECHANAHALLI POST
BILIKERE HOBLI, HUNSUR TALUK
MYSURU DISTRICT-571 103.

...APPELLANT

(BY SRI SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SRI MOHAN KUMAR
S/O PUTTAMALLAIAH
AGED ABOUT 43 YEARS
R/AT No.204-1, BILIKERE
VILLAGE AND POST
HUNSUR TALUK
MYSURU DISTRICT – 571 103.

2. THE MANAGER
ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
MYTHRI ARCADE BUILDING
1ST MAIN ROAD

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

SARASWATHIPURAM
MYSURU-570 009.

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI A M VENKATESH, ADVOCATE FOR R2
V/O DTD. 06.08.2025, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:27.02.2025 PASSED IN MVC No.1775/2022 ON THE FILE OF THE COURT OF PRINCIPAL SMALL CAUSES AND SENIOR CIVIL JUDGE, MACT, MYSURU, 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 27.02.2025 passed in MVC No. 1775/2022 by the Principal Small Causes and Senior Civil Judge and MACT, Mysuru.

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing

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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 09.11.2022 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-45-Q-6300. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards pain and suffering	Rs.40,000/-
2	Towards medical expenses	Rs.45,300/-
3	Towards diet, food, nourishment, attendant and conveyance charges	Rs.30,000/-
4	Towards loss of future earning capacity	Rs.2,79,000/-
5	Loss of income during laid up period	Rs.46,500/-
6	Towards loss of amenities	Rs.20,000/-
	Total	**Rs.4,60,800/-**

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of

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realization and directed respondent No. 2 – Insurer to 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 09.11.2022 and as on the date of accident claimant was aged 36 years and considering the same the Tribunal has rightly applied multiplier 15. Appellant -claimant is seeking enhancement of compensation only under the head `loss of future income due to disability' by taking higher disability.

7. Appellant - claimant had sustained head injury. P.W.2 is the Doctor and he is a Consultant Neurosurgeon. P.W.2 has stated that claimant had sustained 20% disability and it applies to whole body. The tribunal has taken disability at 10%. The disability as stated by the Doctor is based on the Neurological Assessment Report – Ex.P.13. The Doctor has stated that claimant had

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complained of blurring of vision, disturbed memory, irritable headache, giddiness and reduced social responsiveness. Claimant himself has given evidence and he has been examined as P.W.1 and he faced cross-examination. Occupation of the claimant is agriculture. Considering the said evidence of the Doctor, that claimant himself gave evidence, faced cross- examination and his avocation - agriculture, functional disability is to be taken at 15% as against 10% taken by the Tribunal.

8. In view of the same, the loss of future income due to disability is calculated as under:

□Rs.15,500 X 12 X 15 X 15% =□Rs.4,18,500/-

9. Considering the above aspects claimant is entitled to loss of future income due to disability in a sum of Rs.4,18,500/- with interest as against Rs.2,79,000/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.1,39,500/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is

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liable to pay the said enhanced compensation with interest.

10. 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.1,39,500/- 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.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 49
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