HC-KAR

NC: 2026:KHC:61934
MFA No. 3926 of 2025

CNR: KAHC010353262025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3926 OF 2025
(MV-I)

BETWEEN:

PRADEEPKUMAR PALRAJ @ PRADEEP KUMAR
S/O PALRAJ,
NOW AGED ABOUT 25 YEARS,
R/AT NO.4/58, BEERPALLI,
POST, PERIYAKUTHBALA,
BEERPALLI, HOSUR TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU - 635 117.

...APPELLANT

(BY SRI. N.R. RANGEGOWDA, ADVOCATE)

AND:

1. IFFCO- TOKIO GENERAL INSURANCE CO, LTD.,
REP BY IT'S MANAGER,
SRI SHANTHI TOWER,
NO.141, 4TH FLOOR, 3RD MAIN,
EAST TO NGEF LAYOUT,
KASTURI NAGAR,
BANGALORE - 560 043.

2. SRI. BHASKAR P.
S/O P. SUBRAMANYAM,
AGED MAJOR,
R/AT, NO.2-160/D,
BELUPALLI, BAIREDDIPALLI,
MANDALAM, CHITTOOR, DISTRICT,
ANDHRA PRADESH.

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3. SRI. NAGABUSHAN
S/O BABU,
AGED MAJOR,
R/AT NELLIPATLA VILLAGE,
BAIREDDIPALLI, MANDALAM,
CHITTOOR DISTRICT,
ANDHRA PRADESH.

…RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE FOR R1;
R2 AND R3 - SERVED)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 06.01.2025 PASSED IN MVC NO.1475/2022 ON THE FILE OF THE VIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACJM AND MACT, BENGALURU (SCCH-5), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ORDERS 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 06.01.2025 passed in MVC No.1475/2022 by VIII Additional Judge, Court of Small Causes and ACJM and MACT, Bengaluru (SCCH-5).

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2. Even though the matter is listed today for orders, with the consent of both the learned counsel for and learned counsel for respondent No.1/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injuries sustained by him in a road traffic accident occurred on 21.06.2021 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.AP-03-AH-8019.

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. 5,84,820/-
2.	Pain and sufferings	Rs. 15,000/-

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3.	Conveyance, nourishment and attendant charges	Rs.	15,000/-
4.	Medical expenses	Rs.	2,68,629/-
5.	Loss of amenities of life	Rs.	15,000/-
6.	Loss of income during laid up period	Rs.	6,175/-
	Total	**Rs.**	**9,04,624/-**

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.1/insurer to pay the compensation awarded with interest and recover the same from respondent No.3/owner of the vehicle. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.1/insurer.

7. The accident occurred on 19.12.2022 and as on the date of accident, the claimant was aged twenty two (22) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '18'.

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8. The notional income fixed for the year 2022 is Rs.15,000/- per month and the said income is to be taken as against Rs.14,250/- taken by the Tribunal.

9. The claimant has sustained the following injuries:

a) Left open type III B femur fracture shaft fracture

b) Transverse patellar fracture left leg

c) Fracture medical cuneiform left foot

d) Fracture base of first metatarsal left foot

e) Fracture base of proximal phalanx great toe left foot

10. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.15,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.80,000/-.

11. The claimant has been admitted in hospital for thirteen (13) days. Considering the same, the Tribunal has

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rightly awarded attendant, conveyance, food, nourishment etc. in a sum of Rs.15,000/-. The Tribunal has also rightly awarded medical expenses of Rs.2,68,629/- as per the bills produced.

12. Considering the injuries sustained by the claimant, he has to take rest at least for three (03) months and therefore entitled to loss of income during laid up period in a sum of Rs.45,000/- (Rs.15,000/- X 03 months) as against Rs.6,175/- awarded by the Tribunal.

13. The Tribunal has rightly taken the disability at 19% to the whole body based on evidence of the Doctor. The appellant/claimant has not sought any enhancement in the disability taken by the Tribunal. In view of the same, loss of future income due to disability is calculated as under:

Rs.15,000/- X 12 X 18 X 19% = Rs.6,15,600/-

14. The Doctor has stated that the claimant has to undergo surgery for removal of implant. Considering the

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same, the claimant is entitled to future medical expenses of Rs.30,000/-.

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

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 1,00,000/-
2.	Loss of amenities	Rs. 80,000/-
3.	Loss of income during laid up period	Rs. 45,000/-
4.	Medical expenses	Rs. 2,68,629/-
5.	Future medical expenses	Rs. 30,000/-
6.	Loss of future income due to disability	Rs. 6,15,600/-
7.	Attendant, conveyance, food, nourishment etc.	Rs. 15,000/-
	Total	**Rs. 11,54,229/-**

16. The claimant is entitled to total compensation of Rs.11,54,229/- as against Rs.9,04,624/- awarded by the Tribunal with interest.

17. Consequently, the claimant is entitled to enhanced compensation of Rs.2,49,605/- (Rs.11,54,229/-

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- Rs.9,04,624/-) with interest at the rate of 6% per annum from the date of petition till realisation.

18. The Tribunal held that respondent No.1/insurer has to pay the compensation awarded with interest and recover the same from respondent No.3/insurer. In view of the same, Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest and recover the same from respondent No.3/owner of the vehicle.

19. The appellant/claimant is not entitled to interest on future medical expenses of Rs.30,000/-.

20. The appellant/claimant is not entitled to interest for the delay period of 111 days in filing the appeal as per order dated 02.09.2025 passed on I.A.No.1/2025.

21. In view of the above, the following:

ORDER

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

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ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,49,605/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.1/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day and recover the same from respondent No.3/owner of the vehicle.

iv) The appellant/claimant is not entitled to interest for the delay period of 111 days in filing the appeal.

v) The appellant/claimant is not entitled to interest on future medical expenses of Rs.30,000/-.

vi) The appellant/claimant is entitled to release 50% of the award amount and remaining 50% shall be kept in Fixed Deposit in the

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name of the claimant with Karnataka Bank, High Court Branch, Bengaluru, for a period of three (03) years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 0