HC-KAR

NC: 2026:KHC:62504
MFA No. 4140 of 2025

CNR: KAHC010358742025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4140 OF 2025

(MV-I)

BETWEEN:

SRI. SUDHARSHAN. G. J.
@ PRAHALADA
S/O N JAYARAMA
AGED ABOUT 28 YEARS
R/AT GALAGENAHALLI VILLAGE
CHIKKA SARANGI POST, HEBBUR HOBLI
TUMUKUR TALUK, TUMUKUR-572 118.

...APPELLANT

(BY SRI. UDAYA KUMAR R L, ADVOCATE)

AND:

1. SRI. CHANDARAKUMAR
S/O KRISHNAMURTHY,
MAJOR, R/AT GOLLARAHALLI,
AGALAKOTE, MAGADI TALUK,
RAMANAGARA DISTIRCT-562 120.

2. BAJA ALLIANZ GENERAL INSURANCE COMPANY LTD,
GOLDEN HEIGHTS, 4TH FLOOR
No.1/2, 59TH 'C' CROSS, 4TH M BLOCK,
RAJAJINAGAR, BENGALURU-560 010.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 1.9.2025, NOTICE TO R1 IS DEISPENSED WITH)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:28.02.2025 PASSED IN MVC No.561/2024 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACJM, MEMBER, MACT-3, BENGALURU, 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 28.02.2025 passed in MVC No.561/2024 by the VII Additional Senior Civil Judge and ACJM and Member MACT -3, Bengaluru.

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

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road traffic accident occurred on 30.11.2023 contending that the accident occurred due to rash and negligent driving of the driver of motor cycle bearing registration No.KA-52/V-1598. 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.	Loss of future income	3,26,400/-
02.	Pain and sufferings	30,000/-
03.	Attendant charges, extra nutritious food and conveyance charges	30,000/-
04.	Medical expenses	5,35,948/-
05.	Loss of future amenities and unhappiness	30,000/-
06.	Loss of income during laid up period	32,000/-
	Total	**9,84,348/-**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking

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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 30.11.2023 and as on the date of accident the claimant was aged 28 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '17'. The notional income fixed for the year 2023 by Karnataka State Legal Service Authority is Rs.16,250/- per month and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal.

7. The claimant has sustained the following injuries:

1. Fracture of Pars interticularis of L5 vertebra with grade 1 anteriolistsis of L5 over S1
2. Fracture of 11^{th} rib
3. Fracture of 2^{nd}, 3^{rd}, 4^{th} metatarsal right fracture

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Considering the said injuries, the compensation awarded by the Tribunal in a sum of Rs.30,000/- towards pain and suffering is enhanced to Rs.80,000/- and loss of amenities awarded in a sum of Rs.30,000/- is enhanced to Rs.60,000/-. The claimant has been admitted in the hospital for 22 days. Considering the same, the Tribunal has rightly awarded attendant, conveyance charges, food and nourishment etc., in a sum of Rs.30,000/-. The Tribunal considering the documents produced has rightly awarded medical expenses of Rs.5,35,948/-. Considering the injuries sustained, the claimant has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- x 03 months) as against Rs.32,000/- as awarded by the Tribunal.

8. P.W.7 is the doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained disability of 15% of spine, 14% of right lower limb and 13.9% of the whole body. P.W.8 is

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another doctor who is neurologist and he has examined the claimant, assessed his disability and stated that the claimant has sustained 15% disability to the whole body. The Tribunal has taken disability to the whole body at 10%. Considering the said evidence of P.W.7 and 8 doctors, the functional disability of the claimant is to be taken at 15% as against 10% as taken by the Tribunal. In view of the same, the loss of future income due to disability is as under:

Rs.16,250/- x 12 x 17x 15% =Rs. 4,97,250/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	80,000/-
02.	Towards Medical Expenses	5,35,948/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	30,000/-
04.	Towards loss of amenities	60,000/-
05.	Towards loss of future income due to disability	4,97,250/-
06.	Toward loss of income during laid up period	48,750/-
	Total	**12,51,948/-**

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The claimant is entitled to total compensation of Rs.12,51,948/- as against Rs.9,84,348/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.2,67,600/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

10. In view of above, the following

ORDER

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

ii) The appellant -claimant is entitled to enhanced compensation of Rs.2,67,600/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the

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Tribunal within a period of 06 weeks from this day.

iv) Out of the enhanced compensation, 50% shall be released to the claimant and 50% shall be kept in fixed deposit with Karnataka Bank City Civil Court Branch, Bangalore for a period of 03 years in the name of the claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 39
Ct.sm