HC-KAR
NC: 2026:KHC:62269
MFA No. 4164 of 2026
CNR: KAHC010377142026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4164 OF 2026

(MV-I)

BETWEEN:

SRI. MUDIYAPPA
S/O. PALAIAH
AGED ABOUT 50 YEARS
R/AT. MALLURAHALLI VILLAGE
NAYAKANAHATTI HOBLI, CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 536.

...APPELLANT

(BY SRI. SIDDARAMAIAH V B, ADVOCATE)

AND:

1. SRI. D.S. MRUTHYUNJAYA
S/O. SHADAKSHAAPPA
AGED ABOUT 56 YEARS
R/AT. GURUBASAVA NILAYA
NAYAKANAHATTI VILLAGE & HOBLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 536.

2. SRI MANJUNATHA G.R.
S/O REVANNA G
MAJOR, AGE NOT KNOWN
R/AT. B.D ROAD, OPP. S.J.M. HOSTEL
CHITRADURGA - 577 501.

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3. THE MANAGER
RELIANCE COMPANY LIMITED
1ST FLOOR, MAGANURU COMMERCIAL COMPLEX
NEAR K.S.R.T.C. BUS STAND
CHITRADURGA - 577 501.

…RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR R3
V/O DTD. 18.06.2026 NOTICE TO R1
V/O DTD. 9.10.2026 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:02.09.2025 PASSED IN MVC No.108/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT, CHALLAKERE, 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 02.09.2025 passed in MVC No.108/2021 by the Senior Civil Judge and AMACT, Challakere.

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.3/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 26.05.2019 contending that the accident occurred due to rash and negligent driving of the driver of Maruti Suzuki Omni bearing Regn.No.KA-17-N-2026. 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.	Expenses relating to treatment hospitalization and medication	1,39,000/-
02.	Loss of earnings during treatment (laid up period)	42,000/-
03.	Loss of earnings/future earnings on account of permanent disability	1,52,000/-
04.	Damages for pain, suffering and trauma as a consequence of this injuries	40,000/-
05.	Loss of amenities	10,000/-
06.	Transportation, nourishment and miscellaneous expenditure	20,000/-
	Total	**4,03,000/-**

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4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.3/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.3/insurer.

6. The accident occurred on 26.05.2019. Considering the said year of accident, the Tribunal has rightly taken notional income of Rs.14,000/- p.m. Even though the Tribunal has considered the age of the claimant as 65 years, but has applied multiplier '5' which is for the age group between 66-70 years. Therefore, the multiplier applicable is '7'. The Tribunal based on the evidence of Doctor-PW.2 has rightly taken disability at 18%. In view of the same, the loss of future income due to disability is calculated as under:

Rs.14,000 x 12 x 7 x 18% = Rs.2,11,680/-

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7. The claimant has sustained fracture of left femur and both the bones of left leg. Considering the said injury sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- is enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.10,000/- is enhanced to Rs.80,000/-.

8. The Tribunal based on documents has rightly awarded medical expenses of Rs.1,39,000/-. The claimant has been admitted in the hospital for 91 days, therefore, he is entitled to attendant and conveyance charges, food and nourishment in a sum of Rs.91,000/- (Rs.1,000 x 91 days) as against Rs.20,000/- awarded by the Tribunal.

9. The Tribunal has awarded loss of income during laid up period for three months in a sum of Rs.42,000/-. The claimant has been admitted in the hospital for 91 days and considering the injuries sustained by him, he has to take rest atleast for four months and therefore, he is

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entitled to a sum of Rs.56,000/- (Rs.14,000 x 4 months) towards loss of income during laid up period.

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

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Pain and suffering	1,00,000/-
02.	Loss of amenities	80,000/-
03.	Medical expenses	1,39,000/-
04.	Loss of income during laid up period	56,000/-
05.	Attendant, conveyance, food and nourishment	91,000/-
06.	Loss of future income	2,11,680/-
	Total	**6,77,680/-**

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.6,77,680/- as against Rs.4,03,000/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.2,74,680/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.3/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

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ORDER

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

ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,74,680/- with interest @ 6% p.a. from the date of petition till realization.

iii) Respondent No.3/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.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 49
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