HC-KAR

NC: 2026:KHC:60553
MFA No. 4643 of 2025

CNR: KAHC010402862025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4643 OF 2025

(MV-I)

BETWEEN:

SRI. MOHAMMED SHAMSHIR
S/O ANSAR PASHA
NOW AGED ABOUT 34 YEAR
RESIDENT OF
SANTHEMAVATHUR VILLAGE
KASABA HOBLI
KUNIGAL TALUK
TUMAKURU DISTRICT – 572 130

…APPELLANT

(BY SRI. B CHANDRASHEKHARAIAH, ADVOCATE)

AND:

1. SRI BASAVARAJU H. G.
   S/O GEJANAIAH
   MAJOR
   (AGED OF RESPONDENT NO.1
   NOT KNOWN TO APPELLANT)
   RESIDENT OF
   NO. 88, HALASABELE,
   MAGADI TALUK,
   RAMANAGAR DISTRICT – 562 120.

2. THE ICICI LOMBARD GENERAL
   INSURANCE COMPANY LTD.,
   ICICI LAMBARD HOUSE,
   NO. 914, VEER SAVARKAR MARG,
   NEAR SIDHI VINAYAKA TEMPLE

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

PRABHADEVI, MUMBAI – 400 025
BY ITS MANAGING DIRECTOR

…RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE;
SRI. A.M. VENKATESH, ADVOCATE FOR R2;
VIDE ORDER DATED 25.06.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:18.09.2018 PASSED IN MVC No.1184/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT-XV KUNIGAL, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 18.09.2018 passed in MVC No.1184/2014 by Senior Civil judge and MACT-XV, Kunigal.

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 road traffic accident occurred on 30.12.2013 contending that the accident occurred due to rash and negligent driving of the driver of auto bearing registration No.KA-12/A-1562. 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 Earning capacity	3,11,040/-
02.	Pain and suffering	30,000/-
03.	Loss of earning during laid up period	18,000/-
04.	Towards transportation expenses	10,000/-
05.	Towards special diet	15,000/-
06.	Towards attendant charges	8,800/-
07.	Medical expenses	10,000/-
	Total	**4,02,840/-**

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 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 13.12.2013 and as on the date of accident, the injured was aged 21 years. The claimant has sustained the following injuries:

i) Abrasion on forehead left side

ii) Contusion on the nose

iii) Abrasion on right side face

iv) Lacerated wound on lower lip

v) Lacerated wound on front of mid of left leg

vi) Tenderness on front of mid of left thigh

vii) Tenderness on right wrist joint

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

Out of the said 07 injuries, 02 injuries are grievous in nature. P.W.2 is the doctor who has examined the claimant and assessed his disability. The Tribunal based on the evidence of the doctor has taken disability at 24% and the appellant is not disputing the same. Even though the disability is taken at 24%, the Tribunal has not added future prospects. Since the disability is taken more than 20%, the claimant is entitled to future prospects at 40% since he is aged 21 years. The Tribunal has rightly applied multiplier '18'. The notional income fixed for the year 2013 is Rs.8,000/- per month and it is to be taken as against Rs.6,000/- as taken by the Tribunal. In view of the same, loss of future income due to disability is calculated as under:

Rs.8,000/- x12 x18 x 24% + 40%= Rs.5,80,608/-.

7. Considering the injuries sustained noted supra, the compensation awarded towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.60,000/-. The

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

Tribunal has not awarded loss of amenities. Considering injuries sustained and age of the claimant, the loss of amenities is to be awarded in a sum of Rs.40,000/-. The Tribunal has awarded loss of income during laid up period for 03 months taking the income at Rs.6,000/- per month. As now income taken is Rs.8,000/- per month, the claimant is entitled to loss of income during laid up period in a sum of Rs.24,000/- (Rs.8,000/- x 03 months). The claimant has been admitted in the hospital for 22 days and therefore, he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.22,000/- (Rs.1,000/- x 22 days) as against Rs.10,000/- towards transportation charges, Rs.15,000/- towards diet charges and Rs.8,800/- towards attending charges as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.10,000/-. P.W.2 -doctor has stated that the claimant has to undergo surgery for removal of implant and therefore, the claimant is entitled to future medical expenses of Rs.30,000/-. The claimant is not

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

entitled to interest on future medical expenses awarded by this Court.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	60,000/-
02.	Towards Medical Expenses	10,000/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	22,000/-
04.	Towards loss of amenities	40,000/-
05.	Towards loss of future income due to disability	5,80,608/-
06.	Toward loss of income during laid up period	24,000/-
07.	Towards Future Medical Expenses	30,000/-
	Total	**7,66,608/-**

The claimant is entitled to total compensation of Rs.7,66,608/- as against Rs.4,02,840/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,63,768/- with interest at the rate of 6% per annum from the date of petition till realization. The claimant is not entitled to

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

interest for the delay period of 1657 days in filing appeal as per order dated 12.11.2025 passed on IA No.1/2025. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following

ORDER

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

ii) The appellant -claimant is entitled to enhanced compensation of Rs.3,63,768/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The claimant is not entitled to interest for the delay period of 1657 days in filing appeal.

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

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

the Tribunal within a period of 06 weeks from this day.

vi) Out of the enhanced compensation, 50% shall be released to the claimant and remaining 50% shall be kept in his name in fixed deposit with nationalized/scheduled bank for a period of 03 years.

vii) Registry is directed to send back trial Court records.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 66