HC-KAR
NC: 2026:KHC:54989
MFA No. 4650 of 2025
CNR: KAHC010402972025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.4650/2025 (MV-I)

BETWEEN:

1. SRI. RAMAIAH
   AGED ABOUT 57 YEARS
   S/O VENKATANARAYANAPPA
   R/O PALYA, CHANNARAYAPATNA
   BENGALURU RURAL
   BENGALURU 562135.

...APPELLANT

(BY SRI. D. NAGARAJA, ADV.,)

AND:

1. SRI. MANIKUMAR .M
   MAJOR
   S/O MUNISHAMAPPA
   R/O NO.51, 10TH WARD
   NEELERI, DEVANAHALLI TALUK
   BENGALURU RURAL DISTRICT 562110.

2. UNITED INDIA INSURANCE CO., LTD.,
   NO.5TH AND 6TH FLOORS
   KRISHI BHAVAN, HUDSON CIRCLE
   OPP. BBMP HEAD OFFICE
   NRUPATHUNGA ROAD
   BENGALURU 560001
   REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADV., FOR R2
V/O/DTD:08.07.2025 NOTICE TO R1 D/W)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO ENHANCE THE AWARD AMOUNT WITH INTEREST AT THE RATE OF 12% P.A. TILL THE REALIZATION PASSED BY THE HON'BLE CHIEF JUDGE, COURT OF SMALL CAUSES AND ACJM, AND MEMBER MACT, BANGALORE IN MVC NO.485/2023 BY JUDGMENT AND AWARD DATED 04.02.2025 & ETC.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 04.02.2025 passed in MVC No. 485/2023 by the Chief Judge, Court of Small Causes, Member, Prl. MACT, Bengaluru.

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 11.12.2022 due to the rash and negligent driving by the driver of Innova car bearing registration No. KA-02-MC-8846. The Tribunal after recording evidence, appreciating

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the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and agony	Rs.50,000.00
2	Treatment charges	Rs.80,000.00
3	Conveyance, nourishment and attendant charges	Rs.10,000.00
4	Loss of income during treatment period (Rs.15,500 X 5)	Rs.77,500.00
5	Loss of amenities and future happiness	Rs.30,000.00
	Total	**Rs.2,47,500.00**

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

4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

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5. Date of accident is 11.12.2022 and as on the date of accident claimant was aged 55 years. Considering the said age of the claimant, multiplier applicable is `11'. Notional income fixed by the Karnataka State Legal Services Authority for the year 2022 is Rs.15,500/-.

6. Claimant had sustained the following injuries:

a. Cut lacerated wound on vertex

b. Deep grazed abrasion over frontal area

c. Frontal traumatic SAH

d. Right fronto parietal EDH

e. Fracture of right frontal bone extending on to the left parietal bone

7. Considering the injuries sustained by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.80,000/- and loss of amenities in a sum of Rs.30,000/- is enhanced to Rs.60,000/-.

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8. Considering the bills produced, the Tribunal has rightly awarded medical expenses in a sum of Rs.80,000/-.

9. Claimant was admitted in the hospital for 5 days and considering the same the Tribunal has rightly awarded conveyance, nourishment and attendant charges in a sum of Rs.10,000/-.

10. P.W.2 – Doctor who examined the claimant and assessed disability has stated that compensation had sustained 25% disability to the whole body. The Doctor has assessed the disability based on Ex.P.15 – Neuro-psychological assessment report. The Doctor who issued Ex.P.15 has not been examined. Considering the evidence of P.W.2 – Doctor, age of the claimant, that he has given evidence and faced cross-examination, disability to the whole body is taken at 10%.

11. In view of the above, loss of income due to disability is calculated as under:

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15,500 X 12 X 11 X 10% = Rs.2,04,600/-

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

1	Pain and suffering	Rs.80,000.00
2	Treatment charges	Rs.80,000.00
3	Conveyance, nourishment and attendant charges	Rs.10,000.00
4	Loss of income during treatment period (Rs.15,500 X 5)	Rs.77,500.00
5	Loss of amenities and future happiness	Rs.60,000.00
6	Loss of income due to disability	Rs.2,04,600.00
	Total	**Rs.5,12,100.00**

13. Considering the above aspects claimant is entitled to total compensation of Rs.5,12,100/- as against Rs.2,47,500/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,64,600/- with interest. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

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14. 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.2,64,600/- 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.: 38