CNR: KAHC010409922026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4516 OF 2026 (MV-I)

BETWEEN:

SRI. JAYALAL BAHADDUR BIST,
S/O. LATE PRATHAP,
AGED 64 YEARS,
R/AT: NO.34, 5TH MAIN ROAD,
5TH BLOCK, JAYANAGARA,
BENGALURU - 560 041.

…APPELLANT

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. TATA AIG GENERAL INSURANCE CO. LTD.,
BY ITS MANAGER,
2ND FLOOR, NO.69,
JP. AND DEVI JUMBUKESHWARA ARCADE,
MILLERS ROAD,
BENGALURU - 560 052.

2. MR.K.V.RAHUL.,
S/O. VISHWANATH R. RAO,
AGED ABOUT 35 YEARS,
R/AT: NO.22, SRI RAKSHA,
4TH CROSS, NEW BANK COLONY,
KONANAKUNTE, DODDAKALLASANDRA,
BANGALORE - 560 062.

…RESPONDENTS

(BY SRI. MURALIDHAR NEGAVAR, ADVOCATE FOR R1;
V/O DTD.22.09.2026, NOTICE TO R2 IS D/W)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 27.02.2026 PASSED IN MVC NO.9047/2024 ON THE FILE OF THE MEMBER MACT, XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MACT, BENGALURU CITY (SCCH-17), 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 27.02.2026 passed in MVC No.9047/2024 by XIX Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-17).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant 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 injury sustained

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by him in a road traffic accident occurred on 01.08.2024 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-05-MU-8315.

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.	Towards pain and agony	Rs. 45,000/-
2.	Towards medical expenses	Rs. 5,21,400/-
3.	Loss of income during laid up period	Rs. 66,000/-
4.	Towards loss of disability	Rs. 3,46,500/-
5.	Towards food nourishment and conveyance	Rs. 25,000/-
6.	Towards attendant charges	Rs. 14,000/-
7.	Towards loss of amenities	Rs. 35,000/-
8.	Towards future medical expenses	Rs. 35,000/-
	Total	**Rs. 10,87,900/-**

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till

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realisation and directed respondent No.1/insurer to pay the compensation awarded with interest. 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 01.08.2024 and as on the date of accident, the claimant was aged sixty two (62) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '7'. The notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

8. The claimant has sustained complex himalleolar fracture of right ankle and stroke/intraeranial bleed as per P.W.4 – Doctor. As per P.W.5 – Doctor, the claimant has sustained fracture of right ankle bone and CT brain revealed large left sided subdural hematoma.

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9. Considering the said injuries, the compensation awarded by the Tribunal towards the pain and sufferings in a sum of Rs.45,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.35,000/- is enhanced to Rs.80,000/-.

10. The claimant has been admitted in hospital for fourteen (14) days and also considering the injuries sustained, the claimant has to take rest atleast for four (04) months. The Tribunal has rightly awarded loss of income during laid up period for four (04) months. Now the income taken is Rs.17,000/- per month and therefore the claimant is entitled to loss of income during laid up period in a sum of Rs.68,000/- (Rs.17,000/- X 04 months).

11. The Tribunal has rightly awarded medical expenses, food nourishment and conveyance, attendant charges and also future medical expenses.

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12. The Tribunal considering the evidence of P.W.4 and P.W.5 has rightly arrived at the disability at 25%. In view of the same, loss of future income due to disability is calculated as under:

Rs.17,000/- X 12 X 7 X 25% = Rs.3,57,000/-.

13. 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.	Medical expenses	Rs. 5,21,400/-
3.	Loss of income during laid up period	Rs. 68,000/-
4.	Loss of future income due to disability	Rs. 3,57,000/-
5.	Food nourishment and conveyance	Rs. 25,000/-
6.	Attendant charges	Rs. 14,000/-
7.	Loss of amenities	Rs. 80,000/-
8.	Future medical expenses	Rs. 35,000/-
	Total	**Rs. 12,00,400/-**

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14. The claimant is entitled to total compensation of Rs.12,00,400/- as against Rs.10,87,900/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.1,12,500/- (Rs.12,00,400/- - Rs.10,87,900/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

17. In view of the above, the following:

ORDER

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

ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,12,500/- 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

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interest before the Tribunal within a period of six weeks from this day.

iv) The appellant/claimant is entitled to release of entire enhanced compensation with interest.

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Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 78