HC-KAR
NC: 2026:KHC:61472
MFA No. 4775 of 2026
CNR: KAHC010438012026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 4775 OF 2026 (MV-I)**

**BETWEEN:**

SRI. KIRAN G D @ KIRAN
S/O DEVARAJIGOWDA,
AGED ABOUT 32 YEARS,
RESIDING AT KASABA HOBLI,
GUNDASETTY HALLI, HASAN,
KARANATAKA - 573 116,
AND ALSO AT NO.19/1, NAIDU LAYOUT,
VASANTHA PURA MAIN ROAD,
KONANAKUNTE, CROOS, BENGALURU CITY,
SHAKADADU, SIRA TALUK,
TUMKUR - 572 137.

...APPELLANT

(BY SRI. THIPPESWAMY B.C., ADVOCATE)

**AND:**

1. M/S. EGT RENTA CAR PRIVATE LIMITED
NO. 79/1 AND 80/1, RUPENA AGRAHARA.
BOMMANAHALLI,
BANGALORE - 560 068

AND ALSO NO. 105/, FLOOR-1, PLOT-168 C WING
MHATRE DRN BLDG
SENAPATHI BAPAT MARG
DADAR WEST, MUMBAI,

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

MAHARASHTRA - 400 028.

2. THE MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
NO.3, 1ST FLOOR, NORTH WING,
MANANDI PLAZA, ST. MARKS ROAD,
BANGALORE - 560 001

…RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2;
VIDE ORDER DATED 29.09.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.02.2026 PASSED IN MVC NO.5836/2023 ON THE FILE OF THE JUDGE, MACT, COURT OF SMALL CAUSES, ACJM, BENGALURU (SCCH-9), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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

**ORAL JUDGMENT**

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 23.02.2026 passed in MVC No.5836/2023 by the Judge, Court of Small Causes and ACJM and MACT, Bengaluru (SCCH-9).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injuries sustained by him in a road traffic accident occurred on 23.07.2023 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.KA-05-AL-0515.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record,

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

assessed the compensation and awarded the compensation under various heads as under:

| Sl. No. | Particulars | Amount |
|---|---|---|
| a. | Towards injury pain and suffering | Rs. 50,000/- |
| b. | Towards medical expenses | Rs. 44,000/- |
| c. | Towards food and extra nourishment, conveyance and medical attendant | Rs. 15,000/- |
| d. | Towards loss of income during treatment | Rs. 32,000/- |
| e. | Towards loss of future earning | Rs. 4,24,320/- |
| f. | Deprivation of future amenities | Rs. 20,000/- |
| g. | Future Medical Expenses | Rs. 10,000/- |
| | **Total** | **Rs. 5,95,320/-** |

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

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

7. The accident occurred on 23.07.2023 and as on the date of accident, the claimant was aged twenty nine (29) years and considering the same, the Tribunal has rightly applied multiplier '17'.

8. The appellant/claimant stated to be working as Bakery Chef in Kalpavruksha Hospitality Services. Ex.P.16 is the certificate issued by Kalpavruksha Hospitality Services, wherein it is stated that the claimant was working as Bakery Chef and getting the salary of Rs.40,000/- per month and he worked from 01.11.2022 till 23.07.2023 when he met with an accident and had discontinued. The author of the said Ex.P16 has not been examined. Ex.P19 is the Bank statement of the account of the claimant with ICICI Bank wherein the entry dated 12.07.2023 indicate transfer of Rs.28,000/- from the account of Kalpavruksha Hospitality Services to the account of the claimant. Considering the said documents, the income of the claimant is to be taken at Rs.28,000/- per month.

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

9. The claimant has sustained the following injuries:

a) Post traumatic fracture shaft or right femur

b) Abrasion over left eyebrow, left elbow, right elbow both knees and right leg

c) Lacerated wound over right side of forehead

d) Tenderness over right leg over right thigh other injury all over the body.

e) Swelling and tenderness over the body.

10. Considering the said injuries, the compensation awarded towards pain and suffering is a sum of Rs.50,000/- is enhanced to Rs.60,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.50,000/-.

11. The Tribunal considering the documents produced has rightly awarded medical expenses of Rs.44,000/-.

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

12. The claimant has been admitted in hospital for nine (09) days and therefore entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.9,000/- (Rs.1,000/- x 9 days) as against Rs.15,000/- awarded by the Tribunal.

13. Out of the five (05) injuries, one is fracture and considering the same, the claimant has to take rest at least for two (02) months and therefore entitled to loss of income during laid up period in a sum of Rs.56,000/- (Rs.28,000/- x 02 months) as against Rs.32,000/- awarded by the Tribunal.

14. P.W.3 is the Doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 47% disability to the lower limb and 16% to the whole body. The Tribunal has taken the disability to the whole body at 13%. But in cases of disability to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore, the

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

disability to be taken is 15.66% (1/3rd of 47%). In view of the same, loss of future income due to disability is calculated as under:

Rs.28,000/- x 12 x 17 x 15.66% = Rs.8,94,499/-

15. P.W.3 - Doctor has stated that the claimant has to undergo surgery for removal of implant. Therefore, the claimant is entitled to a sum of Rs.30,000/- towards future medical expenses as against Rs.10,000/- awarded by the Tribunal.

16. 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. 60,000/- |
| 2. | Loss of amenities | Rs. 50,000/- |
| 3 | Medical expenses | Rs. 44,000/- |
| 4. | Attendant and conveyance charges etc. | Rs. 9,000/- |
| 5. | Loss of income during laid up period | Rs. 56,000/- |
| 6. | Future medical expenses | Rs. 30,000/- |

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

| | | | |
|---|---|---|---|
| 7. | Loss of future income due to disability | Rs. | 8,94,499/- |
| | **Total** | **Rs.** | **11,43,499/-** |

17. The claimant is entitled to total compensation of Rs.11,43,499/- as against Rs.5,95,320/- as awarded by the Tribunal with interest.

18. Consequently, the claimant is entitled to enhanced compensation of Rs.5,48,179/- (Rs.11,43,499/- - Rs.5,95,320/-) with interest at the rate of 6% per annum from the date of petition till realisation.

19. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

20. The appellant/claimant is not entitled to interest on enhanced future medical expenses of Rs.20,000/-.

21. In view of the above, the following:

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

## ORDER

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

ii) *The appellant/claimant is entitled to enhanced compensation of Rs.5,48,179/- with interest at the rate of 6% per annum from the date of petition till realisation.*

iii) *The appellant/claimant is not entitled to interest on enhanced future medical expenses of Rs.20,000/-.*

iv) *Respondent No.2/insurer shall deposit the said enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*

v) *The appellant/claimant is entitled to release of 50% of the enhanced compensation and remaining 50% shall be kept in Fixed Deposit with Karnataka Bank, High Court Branch, Bengaluru for a period of three (03) years in the name of the appellant/claimant.*

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

**(SHIVASHANKAR AMARANNAVAR)**
**JUDGE**

SJK
List No.: 1 Sl No.: 25