HC-KAR

NC: 2026:KHC:60289
MFA No. 4929 of 2026

CNR: KAHC010442652026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4929 OF 2026 (MV-I)

BETWEEN:

RAGHU N.
S/O NINGAPPA,
AGED ABOUT 39 YEARS,
R/AT NO.187, A BLOCK,
1ST STAGE, SS NAGARA,
DAVANAGERE - 577 001.
PRESENTLY R/AT SIRAMAGONDANAHALLI VILLAGE,
DAVANAGERE TALUK AND DISTRICT.

…APPELLANT

(BY SRI. SHASTRI SHRIPAD VISHWANATHA, ADVOCATE)

AND:

1. NAGARAJ V.
S/O VIJAYA KUMAR,
R/AT 340/2, III CROSS,
NAGANUR ROAD, SHAMANUR,
DAVANAGERE - 577 004.

2. UNITED INDIA INSURANCE CO. LTD.,
MOTOR DEALER DIVISION,
KRISHI BHAVAN, 6TH FLOOR,
HUDSON CIRCLE, BENGALURU - 560 001.
BY ITS BRANCH MANAGER.

…RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2
VIDE ORDER DATED 09.07.2026, NOTICE TO R1 IS
DISPENSED WITH)

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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 04/02/2026 PASSED IN MVC NO.1574/2025 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL COURT OF SMALL CAUSES, AT BENGALURU., 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 04.02.2026 passed in MVC No.1574/2025 by XXII Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-24).

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.2/insurer, the matter is taken up for disposal.

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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 02.02.2025 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.KA-17-N-3896.

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 sufferings	Rs. 75,000/-
2.	Medical expenses	Rs. 4,792/-
3.	Towards loss of income during laid up period	Rs. 51,000/-
4.	Towards conveyance, attendant charges and nourishing food	Rs. 30,000/-
5.	Loss of future income	Rs. 4,56,960/-
	Total	**Rs. 6,17,752/-**

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.2/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.2/insurer.

7. The accident occurred on 02.02.2025 and as on the date of accident the claimant was aged forty one (41) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '14'.

8. The notional income fixed for the year 2025 is Rs.18,000/- per month and the said income is to be taken as against Rs.17,000/- taken by the Tribunal. Learned counsel for appellant is not seeking any enhancement in the disability taken by the Tribunal at 16%. In view of the same, the claimant is entitled to loss of future income due to disability is calculated as under:

Rs.18,000/- X 12 X 14 X 16% = Rs.4,83,840/-.

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9. The Tribunal has not awarded loss of amenities. Considering the fractures sustained by the claimant, he is entitled to loss of amenities in a sum of Rs.60,000/-.

10. The Tribunal has awarded loss of income during laid up period for three (03) months taking the income at Rs.17,000/- per month. Considering the fractures sustained by the claimant and his occupation as a painter, he has to take rest atleast for four (04) months and therefore entitled to loss of income during laid up period in a sum of Rs.72,000/- (Rs.18,000/- X 04 months) as against Rs.51,000/- awarded by the Tribunal.

11. The Tribunal has rightly awarded medical expenses and attendant and conveyance charges etc.

12. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

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Sl. No.	Particulars	Amount	
1.	Towards pain and sufferings	Rs.	75,000/-
2.	Medical expenses	Rs.	4,792/-
3.	Towards loss of income during laid up period	Rs.	72,000/-
4.	Towards conveyance, attendant charges and nourishing food	Rs.	30,000/-
5.	Loss of future income due to disability	Rs.	4,83,840/-
6.	Loss of amenities	Rs.	60,000/-
	Total	**Rs.**	**7,25,632/-**

13. The claimant is entitled to total compensation of Rs.7,25,632/- as against Rs.6,17,752/- awarded by the Tribunal with interest.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.1,07,880/- (Rs.7,25,632/- - Rs.6,17,752/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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

16. In view of the above, the following:

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ORDER

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

ii) *The appellant/claimant is entitled to enhanced compensation of Rs.1,07,880/- with interest at the rate of 6% per annum from the date of petition till realisation.*

iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with 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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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 41