HC-KAR

NC: 2026:KHC:59507
MFA No. 4871 of 2026

CNR: KAHC010442702026

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. 4871 OF 2026 (MV-I)

BETWEEN:

SMT.SHUBHAM DUBEY,
W/O. ANUGYA PATERIA,
AGED ABOUT 42 YEARS,
R/AT NO.502,
X WING, MANTRI SERENITY,
BLOCK 1, DODDALAKKALASANDRA,
BENGALURU - 560 062.

…APPELLANT

(BY SRI. SHRIPAD V. SHASTRY, ADVOCATE)

AND:

1. THE PRINCIPAL,
SRI KUMARAN CHILDREN'S ACADEMY,
NO.28/4, HOUSE LIST NO.140,
DODDAKALLASANDRA,
BENGALURU - 560 062.

2. TATA AIG GEN. INS. CO. LTD.,
NO.69, III FLOOR,
JP AND DEVI JAMBUKESHWARA ARCADE,
MILLERS ROAD,
BENGALURU - 560 052.
BY ITS BRANCH MANAGER.

…RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, 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 04/12/2025 PASSED IN MVC NO.4816/2024 ON THE FILE OF THE XIII ADDITONAL SMALL CAUSES AND ACJM AND ADDITIONAL MACT, 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 04.12.2025 passed in MVC No.4816/2024 by XIII Additional Small Causes Judge, ACJM, Court of Small Causes and Member, MACT-15, Bengaluru (SCCH-15).

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 her in a road traffic accident occurred on 13.06.2024 contending that the accident occurred due to rash and negligent driving by the driver of School bus bearing registration No.KA-51-AJ-1468.

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.	Pain, shock and suffering	Rs.	30,000/-
2.	Loss of amenities	Rs.	20,000/-
3.	Loss of income during the laid up period	Rs.	49,500/-
4.	Attendant's charges, Extra diet and conveyance	Rs.	20,000/-
5.	Medical expenses	Rs.	8,605/-
6.	Loss of future income	Rs.	2,11,167/-
	Total	**Rs.**	**3,39,272/-**

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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 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 13.06.2024 and as on the date of accident, the claimant was aged forty (40) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '15'. The notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

8. The claimant has sustained right knee patella fracture. Considering the said injury sustained by the claimant, the compensation awarded by the Tribunal

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towards pain and sufferings in a sum of Rs.30,000/- is enhanced to Rs.50,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.40,000/-.

9. The Tribunal has awarded loss of income during laid up period for three (03) months taking the income at Rs.16,500/-. 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.51,000/- (Rs.17,000/- X 03 months).

10. The Tribunal has rightly awarded attended charges, extra diet and conveyance in a sum of Rs.20,000/- and medical expenses of Rs.8,605/-.

11. P.W.2 – Doctor has stated that the claimant has sustained 21.33% disability to the right lower limb and 10.66% to the whole body. In cases of disability the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Considering the said aspect, the Tribunal has rightly taken the disability at 7.11%. In view of the same,

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loss of future income due to disability is calculated as under:

Rs.17,000/- X 12 X 15 X 7.11% = Rs.2,17,566/-

12. 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. 50,000/-
2.	Loss of amenities	Rs. 40,000/-
3.	Loss of income during laid up period	Rs. 51,000/-
4.	Medical expenses	Rs. 8,605/-
5.	Loss of future income due to disability	Rs. 2,17,566/-
6.	Attendant and conveyance charges	Rs. 20,000/-
		Rs. 3,87,171/-

13. The claimant is entitled to total compensation of Rs.3,87,171/- as against Rs.3,39,272/- awarded by the Tribunal with interest.

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14. Consequently, the claimant is entitled to enhanced compensation of Rs.47,899/- (Rs.3,87,171/- - Rs.3,39,272/-) 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:

ORDER

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

ii) The appellant/claimant is entitled to enhanced compensation of Rs.47,899/- 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.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 83