HC-KAR

NC: 2026:KHC:62119
MFA No. 5009 of 2026

CNR: KAHC010453552026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5009 OF 2026

(MV-I)

BETWEEN:

SRI.KUMAR S
S/O. SHIVANNA
NOW AGED ABOUT 47 YEARS
R/AT: THIBBEGOWDANNA DODDI VILLAGE
THIMMASANDRA POST, KASABA HOBLI
RAMANAGARA - 562 159.

...APPELLANT

(BY SRI TEJAS N, ADVOCATE)

AND:

1. SMT.TEENA XAVIER
   W/O. JINCE POOVANNIKUNNEL GEORGE
   AGED ABOUT MAJOR,
   R/AT No.343, MUNEESWARA TEMPLE ROAD
   VSR LAYOUT, 2ND MAIN
   A NARAYANAPURA
   BENGALURU - 560 016.

   (OWNER OF THE CAR BEARING
   REG. No.KA-03-NA-3810)

2. THE MANAGER
   UNIVERSAL SOMPO GENERAL INS. CO. LTD.,

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

OFFICE AT No.217/A, 3RD FLOOR
KVV SAMRAT, 3RD MAIN
OUTER RING ROAD
KASTURI NAGAR
BENGALURU 560 043.

(POLICY No.2311/66616883/00/000
POLICY PERIOD FROM 06-05-2022 TO 05-05-2023)

…RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 11.11.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:01.06.2026 PASSED IN MVC No.5985/2022 ON THE FILE OF THE VIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACJM, BENGALURU, SCCH-5 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

ORAL JUDGMENT

1. This appeal is filed by the appellant - claimant seeking enhancement of compensation awarded in the judgment and award dated 01.06.2026 passed in MVC No. 5985/2022 by the VIII Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-5).

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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 22.10.2022 due to the rash and negligent driving by the driver of car bearing registration No. KA-03-NA-3810. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl.No.	Head of Compensation	Amount in Rs.
1.	Loss of Future Income	3,38,520-00
2.	Pain and sufferings	25,000-00
3.	Conveyance, nourishment and attendant charges	15,000-00
4.	Medical Expenses	6,75,257-00
5.	Loss of amenities in life	25,000-00
6.	Loss of income during laid up period	62,000-00
	Total	**11,40,777-00**

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

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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.

5. The accident occurred on 22.10.2022 and as on the date of accident claimant was aged 46 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `13'. Considering the year of the accident the Tribunal has rightly taken the notional income at Rs.15,500/- per month.

6. Claimant had sustained the following injuries:

Right leg distal / 3rd both bone fracture

Right tibial lateral condyle fracture

Left leg both bones fracture

Left wrist radius fracture

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7. Considering the injuries sustained, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.25,000/- is enhanced to Rs.1,50,000/- and loss of amenities awarded in a sum of Rs.25,000/- is enhanced to Rs.1,20,000/-.

8. Claimant was admitted in the hospital for 10 days and considering the same, compensation awarded by the Tribunal towards attendant, conveyance, food and nourishment charges in a sum of Rs.15,000/- is just and proper.

9. The Tribunal, based on the documents, has rightly awarded medical expenses of Rs.6,75,257/-.

10. The Tribunal, has rightly awarded loss of income during laid up period for 4 months taking the notional income at Rs.15,500/- per month.

11. P.W.2 – Doctor who examined the claimant and assessed the disability has stated that claimant had

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sustained 53% disability to the right lower limb, 43% to the left lower limb and disability to the whole body at 29%. In case of disability to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. The disability stated by the Doctor is to both the lower limbs. Considering the said evidence of the Doctor, disability is to be taken at 32% to the whole body. Since the disability taken is more than 20%, future prospects at 25% is to be added as claimant was aged 46 years. In view of the above, loss of income due to disability is calculated as under:

15,500 X 12 X 13 X 32% + 25% = Rs.9,67,200/-

12. P.W.2 – Doctor has stated that claimant has to undergo surgery for bone grafting and removal of implant. Therefore, claimant is entitled to future medical expenses in a sum of Rs.50,000/-.

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

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1	Pain and suffering	Rs.1,50,000/-
2	Loss of amenities	Rs.1,20,000/-
3	Loss of income during laid up period	Rs.62,000/-
4	Loss of future income due to disability	Rs.9,67,200/-
5	Attendant, conveyance, food and nourishment	Rs.15,000/-
6	Medical expenses	Rs.6,75,257/-
7	Future medical expenses	Rs.50,000/-
	Total	**Rs.20,39,457/-**

14. Considering the above aspects claimant is entitled to total compensation of Rs.20,39,457/- as against Rs.11,40,777/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.8,98,680/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

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b) Appellant - claimant is entitled to enhanced compensation of Rs.8,98,680/- 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 not entitled to interest on future medical expenses of Rs.50,000/-.

e) Out of the enhanced compensation 50% shall be kept in Fixed Deposit, in the name of appellant, with Karnataka Bank, City Civil Court Branch, Bengaluru, for a period of 5 years and remaining amount shall be released to the appellant – claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 11