HC-KAR

NC: 2026:KHC:55476
MFA No. 5257 of 2025

CNR: KAHC010459652025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5257 OF 2025 (MV-I)

BETWEEN:

DEVRAJ,
S/O BHOGAIAH,
AGED ABOUT 31 YEARS,
R/AT NO.224,
BANDIPALYA, KASABA HOBLI,
G.S.ASHRAMA POST,
MYSURU TALUK AND DISTRICT-570 025
NOW R/AT C/O NANJAPPA
ARAKERE VILLAGE
S.R. PATNA TALUK
MANDYA DISTRICT.

...APPELLANT

(BY SRI. PRAMOD R., ADVOCATE)

AND:

1. CHANDRASHEKAR B.C.,
   S/O B.CHANNAIAH, MAJOR,
   R/AT NO 5, V52, YAJAMANA,
   NEW ANUGRAHA LAYOUT,
   2ND STAGE, 2ND CROSS,
   NEAR PRESIDENCY SCHOOL,
   BENGALURU -560 076.

2. THE DIVISIONAL MANAGER,
   UNITED INDIA INSURANCE COMPANY LIMITED,
   DO-2, NO.2912,
   SRI VENKATESHWARA PLAZA,

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

1ST MAIN, SARASWATHIPURAM,
MYSURU-570 009.

…RESPONDENTS

(BY SRI/SMT. HARINI SHIVANAND, ADVOCATE FOR R2;
V/O DATED 23.09.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 21.08.2023 PASSED IN MVC NO.2242/2019 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, MACT, SRIRANGAPATNA, 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 24.08.2023 passed in MVC No. 2242/2019 by the Additional Senior Civil Judge and MACT, Srirangapatna.

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing

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for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 21.10.2019 due to the rash and negligent driving by the driver of car bearing registration No. KA-01-AK-4055. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain, shock and agony	Rs.40,000/-
2	Medical expenses	Rs.10,100/-
3	Food, diet, nourishment, conveyance and other incidental expenses	Rs.3,000/-
4	Loss of income during treatment period	Rs.14,000/-
5	Loss of income towards permanent disability	Rs.2,72,160/-
6	Disappointment and discomfort and loss of amenities	Rs.20,000/-
	Total	**Rs.3,59,260/-**

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

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. The accident occurred on 21.10.2019 and as on the date of accident claimant was aged 25 years. Claimant is not seeking enhancement under the heads loss of future income due to disability, food, diet, nourishment, conveyance and other incidental expenses and medical expenses.

7. Claimant had sustained the following injuries as per Ex.P.9 – discharge summary:

> "fracture, Calcaneum right heel with soft tissue injury due to right knee chip."

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8. Considering the said injuries compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- is enhanced to Rs.70,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.40,000/-. Considering the said injuries claimant had to take rest at-least for three months and therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.42,000/- (Rs.14,000 X 3 months).

9. Considering the above aspects, claimant is entitled to enhanced compensation under various heads as under:

	Pain and suffering	Rs.30,000.00
2	Loss of amenities	Rs.20,000.00
3	Loss of income during laid up period	Rs.28,000.00
	Total	**Rs.78,000.00**

10. Considering the above aspects claimant is entitled to enhanced compensation of Rs.78,000/- 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

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interest. Claimant is not entitled to interest for the delay period of 590 days in filing the appeal as per the order dated 06.03.2026 passed on I.A. No. 1/2025.

11. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

b) Appellant - claimant is entitled to enhanced compensation of Rs.78,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Appellant – Claimant is not entitled to interest for the delay period of 590 days.

d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 34
CT-NN