HC-KAR

NC: 2026:KHC:62347
MFA No. 5048 of 2026

CNR: KAHC010461182026

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. 5048 OF 2026

(MV-I)

BETWEEN:

C.R.PAPANNACHARI,
S/O. RAYACHARI,
AGED ABOUT 50 YEARS,
R/AT. CHAKENAHALLI VILLAGE,
BELLUR HOBLI, NAGAMANGALA TALUK,
MANDYA DISTRICT

...APPELLANT

(BY SRI. N R RANGEGOWDA., ADVOCATE)

AND:

1. MR. EDWARD CARSTE,
S/O. MR. PHILIP CROSTA,
NO. 36/11, VIDYA NILAYA,
3RD CROSS, 12TH MAIN ROAD,
BENGLAURU-560 054

2. MRS. PRAJWALA.H.V,
R/AT.NO.36/4, DIVYA NILAYA,
3RD CROSS, 12TH MAIN MATHIKERE,
BENGALURU-560 054

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3. IFFCO-TOKIO GENERAL INSURANCE CO.LTD.,
REPRESENTED BY ITS MANAGER,
NO. 141, SRI SHANTHI TOWERS,
5TH FLOOR, 3RD MAIN,
EAST TO NGEF LAYOUT,
KASTURIBANAGARA,
BENGALURU-560 043

…RESPONDENTS

(BY SRI.MURALIDHAR NEGAVAR., ADVOCATE FOR R3;
VIDE ORDER DATED 17.07.2026 NOTICE TO R1 & R2 ARE DISPENSED WITH)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 25/02/2026 PASSED IN MVC NO. 1509/2024 ON THE FILE OF THE COURT OF XIII ADDL. SMALL CAUSES AND ACJM AND ADDL. MACT., BENGALUARU., AWARDING 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 25.02.2026 passed in MVC No.1509/2024 by XIII Additional Small Causes and ACJM and Addl.MACT, Bengaluru, (SCCH-15).

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

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 13.01.2024 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-04-MP-3131.

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 (In Rs.)
1.	Pain, shock & suffering	30,000
2.	Loss of amenities	20,000
3.	Loss of income during the laid up period	49,500

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4.	Attendant's charges, extra diet, and conveyance	20,000
5.	Medical expenses	24,166
6.	Loss of future income	3,08,880
7.	Future medical expenses	20,000
	Total	Rs.4,72,546/-

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.3/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.3/insurer.

7. The accident occurred on 13.01.2024 and as on the date of accident the claimant was aged 48 years. Considering the age of the claimant, the Tribunal has rightly applied multiplier '13'. The notional income fixed for the year 2024 by Karnataka State Legal Service Authority is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. The Tribunal

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based on the evidence of the doctor has taken disability at 12% and the appellant-claimant is not disputing the same.

8. In view of the same, the claimant is entitled to loss of future income due to disability as under:

Rs.17,000x12x13x12%=Rs.3,18,240/-.

9. The claimant has sustained intra articular distal end radius fracture of left side and he took treatment with open reduction internal fixation with plating done on 19.01.2024. Petitioner has complaint of pain in the left hand unable to lift weights, unable to do his routing work as before and fracture is united with implant in situ. Considering the said injury sustained, the compensation awarded by the Tribunal towards pain and suffering 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/-.

10. The Tribunal based on the evidence on record has rightly awarded the loss of income during the laid up

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period for three months in a sum of Rs.49,500/- and attendant and conveyance charges in a sum of Rs.40,000/- and medical expenses of Rs.24,166/-.

11. PW3 doctor has stated that the claimant has to undergo one more surgery for removal of implant and estimated the expenses at Rs.40,000/-. Considering the said evidence of the doctor, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.20,000 is enhanced to Rs.30,000/-.

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	50,000
2.	Loss of amenities	40,000
3.	Medical expenses	24,166
4.	Food, nourishment, attendant and conveyance charges	20,000
5.	Future medical expenses	30,000
6.	Loss of future income due to disability	3,18,240

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7.	Loss of income during laid up period to parent	49,500
	Total	**5,31,906**

13. The claimant is entitled to total compensation of Rs.5,31,906/- as against Rs.4,72,546 /- awarded by the Tribunal with interest.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.59,360/- (Rs.5,31,906/- - Rs.4,72,546/-) with interest at the rate of 6% per annum from the date of petition till realisation.

15. Respondent No.3/insurer is liable to pay the said enhanced compensation amount with interest.

16. The appellant/claimant is not entitled to interest on enhanced future medical expenses of Rs.10,000/-.

17. In view of the above, the following:

ORDER

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

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ii) The appellant/claimant is entitled to enhanced compensation of Rs.59,360/- with interest (excluding interest on enhanced future medical expenses of Rs.10,000/-) at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.3/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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(SHIVASHANKAR AMARANNAVAR)
JUDGE

AG
List No.: 1 Sl No.: 51