HC-KAR

NC: 2026:KHC:59890
MFA No. 5289 of 2026

CNR: KAHC010485842026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5289 OF 2026

(MV-I)

BETWEEN:

MADHU R M
S/O. MUNIVENKATASWAMY
AGED ABOUT 26 YEARS
SRINIVASPURA TALUK
KOLAR DISTRICT.
NOW R/O. VEMGAL VILLAGE
VEMGAL HOBLI, KOLAR DISTRICT.

…APPELLANT

(BY SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. NAGARAJA M
   S/O. LATE. MUNIYAPPA
   R/O. YALUVAGULI VILLAGE
   TEKAL POST, MALUR TALUK.

2. UNITED INDIA INSURANCE CO. LTD.,
   SUGUNA NURSING HOME COMPLEX,
   ANTHRANGANGE ROAD, KOLAR TOWN.
   REP. BY MANAGER.

…RESPONDENTS

(BY SRI K NAGARAJAIAH, ADVOCATE FOR R -2
V/O DTD. 24.07.2026, NOTICE TO R1 IS DISPENSED WITH)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:01.06.2026. PASSED IN MVC No. 141/2025 ON THE FILE OF THE I ADDL. DISTICT AND SESSIONS JUDGE AND MOTOR ACCIDENTS CLAIM TRIBUNAL AT KOLAR. , 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 appellant -claimant seeking enhancement of compensation awarded in judgment and award dated 01.06.2026 passed in MVC No.141/2025 by I Additional District and Sessions Judge and MACT, Kolar.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2 –insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 18.06.2025 contending

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that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-05/MB-8766. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Particulars	Amount (in Rs.)
1	Towards pain and agony	35,000
2	Towards permanent disability and loss of future earning capacity	3,67,200
3	Towards medical expenses and future medical expenses	62,000
4	Towards incidental charges	10,000
5	Towards Loss of amenities	10,000
6	Towards Loss of Income	10,000
	Total compensation amount	**4,94,200**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking

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enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. The accident occurred on 18.06.2025 and as on the date of accident, the claimant was aged 25 years. Learned counsel for appellant submits that the appellant is not disputing the disability taken by the Tribunal at 10% to the whole body.

7. 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/- as taken by the Tribunal. The Tribunal has rightly applied multiplier '18' as the claimant is aged 25 years. Considering the same, the claimant is entitled to loss of future income due to disability as under:

Rs.18,000/- x 12 x 18 x 10% = Rs.3,88,800/-.

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8. The claimant has sustained only one fracture and considering the same, the compensation awarded towards pain and suffering in a sum of Rs.35,000/- is just and proper. Considering the said fracture, the compensation awarded by the Tribunal towards loss of amenities in a sum of Rs.10,000/- is enhanced to Rs.20,000/-. The Tribunal considering the medical bills has rightly awarded medical expenses of Rs.62,000/- and incidental charges of Rs.10,000/-. Considering the said fracture, the claimant has to take rest at least for 01 month and therefore, he is entitled to loss of income during laid up period in a sum of Rs.18,000/- as against Rs.10,000/- as awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	35,000/-
02.	Towards Medical Expenses and future medical expenses	62,000/-
03.	Towards incidental charges	10,000/-

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04.	Towards loss of amenities	20,000/-
05.	Towards loss of future income due to disability	3,88,800/-
06.	Toward loss of income during laid up period	18,000/-
	Total	**5,33,800/-**

The claimant is entitled to total compensation of Rs.5,33,800/- as against Rs.4,94,200/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.39,600/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) The appellant -claimant is entitled to enhanced compensation of Rs.39,600/- with interest at the rate of 6% per annum from the date of petition till realization.

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iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) The appellant -claimant is entitled to release of entire enhanced compensation amount.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 35
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