HC-KAR

NC: 2026:KHC:65261
MFA No. 5506 of 2025

CNR: KAHC010487192025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5506 OF 2025

(MV-I)

BETWEEN:

SRI. BALAJI @ BALAJI V
S/O VENKATESH
AGED ABOUT 22 YEARS
RESIDENTS OF
GUADARAMAKALAHALLI VILLAGE
GUDIBANDE TALUK * POST
CHIKKABALLAPURA DIST
KARNATAKA-561 209.

...APPELLANT

(BY SRI. PRAKASHA K.G, ADVOCATE)

AND:

1. M/s. MANJUNATHA ENTERPRISES
PROP H.S.MANJUNATH REDDY
No.34, HIRNAGAVALLI BATA
PERESANDRA, CHIKKABALLAPUR TALUK
CHIKKABALLAPUR DISTRICT
KARNATAKA -562 104.

2. UNITED INDIA INSURANCE COMPANY LTD.,
5TH AND 6TH FLOOR, KRUSHI BHAVAN,
HUDSON CIRCLE
NRUPATHUNGA ROAD
BANGALURU-560 001.

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(POLICY No.1011013123P105041057
VALID FROM 07.08.2023 TO 06.08.2024)
REPRESENTED BY MANAGER.

…RESPONDENTS

(BY SRI A N KRISHNASWAMY, ADVOCATE FOR R2
V/O DTD. 24.07.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:07.04.2025 PASSED IN MVC No.7299/2023 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACJM, MEMBER, MACT-3, 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 07.04.2025 passed in MVC No. 7299/2023 by the VII Additional Judge, Court of Small Causes and Member, MACT-3, Bengaluru.

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 16.09.2023 due to the rash and negligent driving by the driver of Bharath Benz Tipper lorry bearing registration No. KA-43-A-2678. 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	1,72,800-00
2.	Pain and Sufferings	30,000-00
3.	Attendant charges, extra nutritious food and conveyance charges	30,000-00
4.	Medical Expenses	3,875-00
5.	Loss of future amenities and unhappiness	30,000-00
6.	Loss of income during laid up	32,000-00

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	period	
	Total	**2,98,675-00**

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 16.09.2023 and as on the date of accident claimant was aged 20 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `18'. The notional income fixed by the Karnataka State Legal Services Authority for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal.

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7. Claimant had sustained the following injuries :

Raw area left foot injury

8. Considering the said injuries 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 in a sum of Rs.30,000/- is enhanced to Rs.40,000/-.

9. Claimant was admitted in the hospital for 30 days and considering the same, the Tribunal has rightly awarded a sum of Rs.30,000/- towards attendant, conveyance, food and nourishment charges.

10. The Tribunal, considering the documents produced, has rightly awarded medical expenses of Rs.3,875/-.

11. The Tribunal has also awarded loss of income during laid up period for 2 months by taking income at Rs.16,000/-. As now the income taken is Rs.16,250/-

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claimant is entitled to loss of income during laid up period in a sum of Rs.32,500/- (Rs.16,250 X 2 months).

12. P.W.2 – Doctor who examined the claimant and assessed his disability has stated that the claimant had sustained 40% disability to the left lower limb and 20% to the whole body. The Tribunal has taken the disability at 5% to the whole body. In cases of injury to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore, disability to be taken is 13.33% (1/3rd of 40%) to the whole body as against 5% taken by the Tribunal.

13. In view of the above, loss of future income due to disability is calculated as under:

16,250 X 12 X 18 X 13.33% = Rs.4,67,883/-

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

1	Pain and suffering	Rs.50,000/-
2	Loss of amenities	Rs.40,000/-

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3	Attendant charges, extra nutritious food and conveyance charges	Rs.30,000/-
4	Medical Expenses	Rs.3,875/-
5	Loss of income during laid up period	Rs.32,500/-
6	Loss of future income due to disability	Rs.4,67,883/-
	Total	**Rs.6,24,258/-**

15. Considering the above aspects claimant is entitled to total compensation of Rs.6,24,258/- with interest as against Rs.2,98,675/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.3,25,583/- 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.

16. 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.3,25,583/- 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 entitled to release of 50% enhanced compensation and the remaining 50% shall be kept in Fixed Deposit in the name of claimant in Karnataka Bank, City Civil Court branch, for a period of 3 years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 43
Ct.sm