HC-KAR

NC: 2026:KHC:55223
MFA No. 5454 of 2026

CNR: KAHC010501612026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5454 OF 2026 (MV-I)

BETWEEN:

MUNIRAJU
S/O THANGANAPALLI,
NOW AGED ABOUT 35 YEARS,
R/AT, NO-2/122, AYYUR,
KETHALLI POST,
HANUMANTHAPURAM,
ERUDUKOTTA,
KRISHANAGIRI,
TAMILNADU-635 107.

...APPELLANT

(BY SRI. N R RANGEGOWDA.,ADVOCATE)

AND:

1. KRISHNA MOORTHY
   S/O, SAMPAT,
   AGED ABOUT MAJOR,
   R/AT. NO.4/19,
   PEDDAGOPANAPALLI,
   PEDDA BANGARUNATHAM,
   AGED ABOUT MAJOR,
   KUPPAM, CHITTOOR,
   ANDHRA PRADESH-517 425.

2. UNITED INDIA INSURANCE COMPANY,
   REP BY ITS MANAGER,
   5TH AND 6TH FLOOR,
   KRISHI BHAVAN,
   NRUPATUNGA ROAD,

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

BANGALORE-560 001.

…RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND.,ADVOCATE FOR R2;
V/O DATED 05.08.2026 NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19.08.2024 PASSED IN MVC NO. 2161/2021 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES MEMBER, PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-1), 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 claimant seeking enhancement of compensation awarded in the judgment and award dated 19.08.2024 passed in MVC No. 2161/2021 by the Chief Judge, Court of Small Causes and Member, MACT, Bengaluru.

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 31.01.2021 due to the rash and negligent driving by the

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driver of car bearing registration No. AP-31-CZ-2174. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and sufferings	Rs.80,000.00
2	Treatment expenses	Rs.88,000.00
3	Food and nourishment and attendant charges	Rs.25,000.00
4	Loss of income during laid up period	Rs.75,000.00
5	Loss of amenities	Rs.60,000.00
	Total	**Rs.3,28,000.00**

3. 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.

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

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5. The accident occurred on 31.01.2021 and as on the date of accident the claimant was aged 37 years. Considering the said age of the claimant, multiplier applicable is `15'. Notional income fixed for the year 2021 is Rs.15,000/- per month and the Tribunal has taken the said income.

6. P.W.3 is the Doctor who has examined the claimant, assessed the disability and stated that claimant had sustained 52% disability to right lower limb and 17% to the whole body. Claimant had sustained fracture and dislocation of right ankle. Considering the said injury disability stated by the Doctor is on higher side. Avocation of the claimant is mason. Considering the said avocation, function disability of the claimant is to be taken at 8% to the whole body.

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

15,000 X 12 X 15 X 8% = Rs.2,16,000/-

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8. P.W.3 – Doctor has stated that claimant has to undergo surgery for removal of implant. Considering the said evidence of the Doctor, claimant is entitled to future medical expenses of Rs.30,000/-.

9. In view of the above, claimant is entitled to enhanced compensation in a sum of Rs.2,46,000/- (Rs.2,16,000 + Rs.30,000/-).

10. Claimant is not entitled to interest on compensation awarded under the head future medical expenses.

11. Claimant is not seeking enhancement of compensation awarded under other heads. Therefore, claimant is entitled to enhanced compensation of Rs.2,46,000/- 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 interest. Claimant is not entitled to interest for the delay period of 608 days in filing the

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appeal as per the order dated 05.10.2026 passed on I.A. No. 1/2026.

12. 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.2,46,000/-.

c) Appellant – Claimant is not entitled to interest for compensation awarded towards future medical expenses in a sum of Rs.30,000/-.

d) Appellant – claimant is entitled to interest at the rate of 6% p.a. from the date of petition till the date of realization on enhanced compensation of Rs.2,16,000/-.

e) Appellant – claimant is not entitled to interest for the delay period of 771 days.

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

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g) Appellant - claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 21