HC-KAR

NC: 2026:KHC:65517
MFA No. 5879 of 2026

CNR: KAHC010552182026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5879 OF 2026

(MV-I)

BETWEEN:

PUNITH KUMAR P
S/O. PARUSAPPA
AGED ABOUT 22 YEARS
R/A TEACHERS COLONY
MITTLAKATTE ROAD
DAVANAGERE.
PERMANENT R/AT THUPPADAHALLI
ASAGODU POST, JAGALUR TALUK
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. SHASTRI SHRIPAD VISHWANATHA, ADVOCATE)

AND:

1. MOHAMMED ASLAM
   S/O. ABDUL SATTAR SAB
   R/A No.937/3
   NEAR POLICE QUARTERS
   OPP: SIDDESHWARA MILL COMPOUND
   DAVANAGERE.

2. THE ORIENTAL INSURANCE CO., LTD.,
   REGIONAL OFFICE
   LEO SHOPPING COMPLEX

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

RESIDENCY ROAD, M.G.ROAD.
BANGALORE – 560 001.
BY ITS BRANCH MANAGER.

…RESPONDENTS

(BY SRI JANARDHAN REDDY, ADVOCATE FOR R2
V/O DTD. 19.08.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:16.04.2026, PASSED IN MVC No.86/2025 ON THE FILE OF THE JUDGE, COURT OF SMALL CAUSES AND ACJM, (SCCH-9), 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 16.04.2026 passed in MVC No. 86/2025 by the Judge, Court of Small Causes and MACT, Bengaluru (SCCH-9).

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 15.12.2024 due to the rash and negligent driving by the driver of private bus bearing registration No. KA-17-B-9198. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl. No.	**Particulars**	**Amount**
a.	Towards injury pain and suffering	Rs.50,000/-
b.	Towards medical expenses	Rs.71,500/-
c.	Towards food and extra nourishment, conveyance and medical attendant	Rs.10,000/-
d.	Towards loss of income during treatment	Rs.99,000/-
e.	Towards loss of future earning	Rs.5,34,600/-
f.	Deprivation of future amenities	Rs.50,000/-
g.	Future Medical Expenses	----
	Total compensation	**Rs.8,15,100/-**

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 15.12.2024 and as on the date of accident claimant was aged 22 years. Considering the said age of the claimant the Tribunal has rightly taken the multiplier 18. Notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

7. Claimant had sustained the following injuries:

Comminuted mid shaft fracture of right tibia with lacerated wound

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

8. Considering the injuries sustained by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is enhanced Rs.60,000/- and loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.60,000/-.

9. The Tribunal, based on the documents, has rightly awarded medical expenses of Rs.71,500/-.

10. Claimant was admitted in the hospital for 3 days and therefore entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.3,000 (Rs.1,000 X 3 days) as against Rs.10,000/- awarded by the Tribunal.

11. The Tribunal has awarded loss of income during laid up period for six months taking the income at Rs.16,500/- per month. Now the income taken is Rs.17,000/- and claimant is entitled to loss of income during laid up period in a sum of Rs.1,02,000/- (Rs.17,000 X 6 months).

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

12. P.W.3 is the Doctor who has examined that the claimant, assessed his disability and stated that claimant had sustained 50% disability to the right to lower limb and 17% to the whole body. The Tribunal has taken the disability to the whole body at 15%. In cases of disability to the lower limb 1/3rd of the same is to be taken as disability to the whole body. Hence disability to be taken to the whole body is at 16.66% (1/3rd of 50%).

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

17,000 X 12 X 18 X 16.66% = Rs.6,11,755/-

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

1	Pain and suffering	Rs.60,000/-
2	Loss of amenities	Rs.60,000/-
3	Medical expenses	Rs.71,500/-
4	Attendant, conveyance, food and nourishment charges	Rs.3,000/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

5	Loss of income during laid up period	Rs.1,02,000/-
6	Loss of future income due to disability	Rs.6,11,755/-
	Total	**Rs.9,08,255/-**

15. Considering the above aspects claimant is entitled to total compensation of Rs.9,08,255/- with interest as against Rs.8,15,100/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.93,155/- 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.

b) Appellant - claimant is entitled to enhanced compensation of Rs.93,155/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 entire enhanced compensation.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 52
Ct.sm