HC-KAR

NC: 2026:KHC:59885
MFA No. 6335 of 2025

CNR: KAHC010559352025

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. 6335 OF 2025 (MV-I)

BETWEEN:

SRI. ATEEQ UR REHMAN
S/O HIFZULLA
NOW AGED ABOUT 12 YEARS,
NO. 211, KSCB QUARTERS
LAKSHMIDEVINAGAR
NANDINI LAYOUT
BENGALURU -560 096

APPELLANT BEING MINOR
REPRESENTED BY HIS FATHER
AND NATURAL GUARDIAN
SRI. HIFZULLA S/O NASRULLA,

...APPELLANT

(BY SRI. B. CHANDRASHEKHARAIAH, ADVOCATE FOR
SRI. GIRI MALLAIAH, ADVOCATE)

AND:

1. TATA AIG GENERAL INSURANCE COMPANY LTD.,
NO. 69,3RD FLOOR, J.P AND DEVI
JAMBUKESHWAR ARCADE
MILLERS ROAD,
BENGALURU - 560 052
BY ITS MANAAGER

2. BLUE LINE TOURS AND TRAVELERS
NO.09, M.M VILLA
TERRACE GARDEN

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SRI. GURU RAGHAVENDRA NAGARA
J.P.NAGAR, 7TH PHASE
BENGALURU - 500 078
BY ITS PROPRITER.

…RESPONDENTS

(BY SRI. HEGDE SUBRAYA VENKATARAMAN, ADVOCATE
FOR R1;
VIDE ORDER DATED 28.08.2025, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 11.06.2025 PASSED IN MVC NO.7856/2025 ON THE FILE OF THE XXI ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU (SCCH-23), 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 11.06.2025 passed in MVC

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No.7856/2023 by XXI Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-23).

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.1/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 26.08.2023 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-05-AG-2443.

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:

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Sl. No.	Particulars	Amount
1.	Pain and suffering, loss of comforts and loss of future prospects due to disability	Rs. 1,00,000/-
2.	Medical expenses	Rs. 13,400/-
3.	Discomfort, inconvenience and loss of income to the parents during the period of hospitalisation	Rs. 60,000/-
4.	Attendant charges, food, nourishment and traveling expenses	Rs. 10,500/-
5.	Future medical and other incidental expenses	Rs. 10,000/-
	Total	**Rs. 1,93,900/-**

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.1/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.1/insurer.

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7. The accident occurred on 26.08.2023 and as on the date of accident, the claimant was aged nine (09) years.

8. Learned counsel for the appellant would contend that, as per the decision of Hon'ble Apex Court in the case of ***HITESH NAGJIBHAI PATEL vs. BABABHAI NAGJIBHAI RABARI & ANR.*** reported in ***(2025) INSC 1070***, in the cases of injury to the minor, the compensation to be awarded for loss of future income due to disability taking the income based on the minimum wages, apply multiplier and percentage of disability. The Tribunal applied the ratio as per the decision of Hon'ble Apex Court in the case of ***MASTER MALLIKARJUN vs. DIVISIONAL MANAGAR, THE NATIONAL INSURANCE CO. LTD. & ANOTHER*** reported in ***2013 ACJ 2445*** and has awarded the compensation. In the case of ***HITESH NAGJIBHAI PATEL*** *supra*, the compensation in cases of injury to minor, the income has to be taken based on the minimum wages and considering the said disability, apply

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multiplier and award compensation. Apart from the said compensation, the compensation is also to be awarded towards pain and sufferings, loss of amenities, loss of income during laid up period, medical expenses and attendant and conveyance charges etc.

9. The claimant has sustained the following injuries:

a) Abrasion present over the right ear lobe
b) Fracture of the right femur (thigh bone)

10. Considering the said injuries sustained, the claimant has to take rest atleast for two (02) months and the parent of the claimant has to take care of the claimant and therefore the claimant is entitled to loss of income during laid up period to parent for two (02) months in a sum of Rs.32,500/- (Rs.16,250/- X 02 months). The minimum wages for skilled labour for the year 2023 is around Rs.16,250/- and the said amount is also the notional income fixed by the Karnataka State Legal

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Services Authority and therefore the said notional income is taken. The multiplier applicable is '15' since the claimant is aged nine (09) years.

11. P.W.3 - Doctor has stated that he has examined the claimant, assessed his disability and the claimant has sustained 37% disability to the lower limb and 12% to the whole body. The Tribunal has taken the disability to the whole body at 10%. P.W.2 - Doctor has stated that the fracture is united. Considering the said evidence of the Doctor, the Tribunal has rightly taken the disability at 10%. In view of the same, the claimant is entitled to loss of future income due to disability as under:

Rs.16,250/- X 12 X 15 X 10% = Rs.2,92,500/-

12. The claimant has been admitted in hospital for seven (07) days and therefore entitled to food, nourishment, attendant and conveyance charges in a sum of Rs.7,000/- (Rs.1,000/- X 07 days).

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13. The Doctor has stated that the claimant has to undergo surgery for removal of implants and therefore the claimant is entitled to future medical expenses in a sum of Rs.30,000/-.

14. 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	Rs. 40,000/-
2.	Loss of amenities	Rs. 30,000/-
3.	Medical expenses	Rs. 13,400/-
4.	Food, nourishment, attendant and conveyance charges	Rs. 7,000/-
5.	Future medical expenses	Rs. 30,000/-
6.	Loss of future income due to disability	Rs. 2,92,500/-
7.	Loss of income during laid up period to parent	Rs. 32,500/-
	Total	**Rs. 4,45,400/-**

15. The claimant is entitled to total compensation of Rs.4,45,400/- as against Rs.1,93,900/- awarded by the Tribunal with interest.

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16. Consequently, the claimant is entitled to enhanced compensation of Rs.2,51,500/- (Rs.4,45,400/- - Rs.1,93,900/-) with interest at the rate of 6% per annum from the date of petition till realisation.

17. Respondent No.1/insurer is liable to pay the said enhanced compensation amount with interest.

18. The appellant/claimant is not entitled to interest on future medical expenses of Rs.30,000/-.

19. In view of the above, the following:

ORDER

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

ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,51,500/- with interest (excluding interest on future medical expenses of Rs.30,000/-) at the rate of 6% per annum from the date of petition till realisation.

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iii) Respondent No.1/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

iv) The Tribunal shall keep the said enhanced compensation amount in Fixed Deposit in the name of the claimant with Karnataka Bank, City Civil Court branch, Bengaluru till he attains majority.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 21