HC-KAR
NC: 2026:KHC:54988
MFA No. 5973 of 2026
CNR: KAHC010559542026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.5973/2026 (MV-I)

BETWEEN:

1. LAKSHMINARAYANA .G
   S/O GANGAIAH
   AGED 42 YEARS
   R/AT HULEGOWDANAHALLI
   HULEGOWDANAHALLI POST
   DASANAPURA HOBLI
   BANGALORE NORTH TALUK
   BANGALORE DISTRICT.

…APPELLANT

(BY SRI. N.R. RANGEGOWDA, ADV.,)

AND:

1. MANJUNATHA G.S.
   S/O SANJEEVAPPA
   AGED MAJOR
   R/AT. GEJJIGADAHALLI
   SHIVANAPURA POST
   DASANAPURA POST
   BANGALORE NORTH TALUK
   BANGALORE DISTRICT.

2. THE DIVISIONAL MANAGER
   UNITED INDIA INSURANCE CO, LTD.,
   6TH FLOOR, KRUSHI BHAVANA
   HUDSON CIRCLE
   BANGALOER – 560001.

…RESPONDENTS

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(BY SRI. RAVISH BENNI, ADV., FOR R2
V/O/DTD:28.08.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SMALL CAUSES JUDGE AND ACJM AT BANGALORE (SCCH-09) IN MVC NO.5576/2024 DATED 04.05.2026, BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

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 04.05.2026 passed in MVC No. 5576/2024 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 for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

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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 15.07.2024 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-02-EF-5146. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards injury pain and suffering	Rs.50,000/-
2	Towards medical expenses	Rs.95,700/-
3	Towards food and extra nourishment, conveyance and medical attendant	Rs.10,000/-
4	Towards loss of income during treatment	Rs.99,000/-
5	Towards loss of future earning	Rs.2,37,600/-
6	Deprivation of future amenities	Rs.50,000/-
7	Future medical expenses	Rs.20,000/-
	Total	**Rs. 5,62,300/-**

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of

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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 15.07.2024 and as on the date of accident the claimant was aged 40 years. Notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- and the same is to be taken as against Rs.16,500/- taken by the Tribunal.

7. Claimant had sustained comminuted fracture of right clavicle. P.W.3 – Doctor has assessed his disability and stated that claimant had sustained disability to the right arm at 30% and whole body at 10%. The Tribunal has taken the disability at 8% to the whole body. In view

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of evidence of the Doctor, disability to the whole body is to be taken at 10%.

8. Since the claimant was aged 40 years as on the date of accident, the Tribunal has rightly applied the multiplier `15'.

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

17,000 X 12 X 15 X 10% = Rs.3,06,000/-

10. Claimant was admitted in the hospital for 10 days. Considering the same, claimant is entitled to attendant, conveyance, food and nourishment in a sum of Rs.13,000/- as against Rs.10,000/- awarded by the Tribunal.

11. The Tribunal has awarded loss of income during laid up period for six months by taking the monthly income of the claimant at Rs.16,500/-. Now income taken is Rs.17,000/-. Therefore, claimant is entitled to loss of

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income during laid up period in a sum of Rs.1,02,000/- (Rs.17,000 X 6 months).

12. Claimant is not seeking enhancement under other heads.

13. In view of the above, claimant is entitled to enhanced compensation under the following heads:

1	Loss of future income	Rs.68,400/-
2	Conveyance, attendant, food and nourishment charges	Rs.3,000/-
3	Loss of income during laid up period	Rs.3,000/-
	Total	**Rs.74,400/-**

14. Considering the above aspects claimant is entitled to enhanced compensation of Rs.74,400/- 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.

15. In view of the above, the following;

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O R D E R

a) Appeal is allowed in part.

b) Appellant - claimant is entitled to enhanced compensation of Rs.74,400/- 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 entire enhanced compensation amount.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 36