HC-KAR

NC: 2026:KHC:65407
MFA No. 6733 of 2025

CNR: KAHC010593992025

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. 6733 OF 2025 (MV-I)

BETWEEN:

POOVAPPA
S/O SOGIRA
AGED ABOUT 46 YEARS
R/AT HOSURU VILLAGE
KOLALE POST, YESLUR HOBLI
SAKALESHPURA TALUK
HASSAN DISTRICT.

...APPELLANT

(BY SRI. SHASTRI SHRIPAD VISHWANATHA, ADVOCATE)

AND:

1. ANAND S E
W/O ERAPPA
AGE ABOUT 35 YEARS
No.80 SANNAPPA COMPOUND
SET PLAYA, NEAR MOSQUE
BANGALORE NORTH
SAINT THOMAS TOWN
KARNATAKA.

2. THE DIVISIONAL MANAGER
ICICI LAMBARD INSURANCE COMPANY LIMITED
2ND FLOOR, SVR COMPLEX
HOSUR MAIN ROAD, BANGALORE.

...RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R2
V/O DTD. 12.09.2025, NOTICE TO R1 IS D/W)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:09.07.2025 PASSED IN MVC No. 1571/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND AMACT, SAKALESHPUR, 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 09.07.2025 passed in MVC No. 1571/2022 by the Senior Civil Judge and Additional MACT, Sakleshpur.

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 12.05.2022 due to the rash and negligent driving by the driver of Baleno car bearing registration No. KA-03-NH-6136. The Tribunal after recording evidence, appreciating the evidence

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on record, assessed the compensation and awarded compensation under different heads as under:

Sl.No.	Particulars	Amount Rs.
1	Pain and suffering	50,000-00
2	Loss of amenities and happiness and frustration of life	50,000-00
3	Medical Expenses	2,70,000-00
4	Travelling / Conveyance	25,000-00
5	Attendant, food, nourishment charges	50,000-00
6	Loss of earning during laid up period	93,000-00
7	Loss of future earning capacity	5,98,920-00
8.	Future Medical Expenses	25,000-00
	Total(Rupees Eleven Lakhs Sixty one Thousand Nine Hundred and Twenty only)	11,61,920-00

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 12.05.2023 and as on the date of accident claimant was aged 43 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `14'.

6. Considering the year of accident, the Tribunal has rightly taken the notional income at Rs.15,500/- per month.

7. Claimant had sustained the following injuries:

a. tenderness, swelling, deformity and wound over right elbow – open right olecranon fracture

b. tenderness, swelling, deformity of right fore arm – right forearm fracture

c. right radical styloid fracture of wrist

d. tenderness, swelling, deformity and wound over right leg – open right tibia and fribula fracture

e. right 5th finger fracture

8. Considering the said injuries, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.1,80,000/- and loss of

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amenities in a sum of Rs.50,000/- is enhanced to Rs.1,20,000/-.

9. Claimant was admitted in the hospital for 67 days and considering the same, the Tribunal has rightly awarded, conveyance charges in a sum of Rs.25,000/- and attendant charges in a sum of Rs.50,000/-. Based on the documents produced the Tribunal has rightly awarded medical expenses in a sum of Rs.2,70,000/-.

10. Considering the fractures sustained, claimant had to take rest at-least for 8 months and therefore, entitled loss of income during laid up period in a sum of Rs.1,24,000/- (Rs.15,500 X 8 months) as against Rs.93,000/- awarded by the Tribunal.

11. P.W.2 is the Doctor who had examined the claimant, assessed the disability and stated that claimant had sustained 30% of disability to the right upper limb and 40% to the right lower limb. The Tribunal has taken the disability to the whole body at 23%. Learned counsel for

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appellant would contend that claimant had sustained 7 fractures and he was aged 43 years. Therefore, disability is to be taken higher than the disability taken by the Tribunal.

12. Disability taken by the Tribunal is just and proper considering the evidence of the Doctor. Even though the Tribunal has observed in the impugned judgment that claimant is entitled to future prospects, but, while calculating loss of future income due to disability has not added future prospects at 25%. Therefore, claimant is entitled to addition of future prospects at 25%. In view of the above, loss of future income due to disability is calculated as under:

5,98,920 + 25% = Rs.7,48,650/-

13. P.W.2 – Doctor has stated that claimant has to undergo surgery for removal of implant and therefore, claimant is entitled to future medical expenses of Rs.40,000/- as against Rs.25,000/- awarded by the Tribunal.

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

1	Pain and suffering	Rs.1,80,000/-
2	Loss of amenities	Rs.1,20,000/-
3	Medical expenses	Rs.2,70,000/-
4	Travelling / Conveyance	Rs.25,000/-
5	Attendant, food, nourishment charges	Rs.50,000/-
6	Loss of income during laid up period	Rs.1,24,000/-
7	Loss of future income due to disability	Rs.7,48,650/-
8	Future medical expenses	Rs.40,000/-
	Total	**Rs.15,57,650/-**

15. Considering the above aspects claimant is entitled to total compensation of Rs.15,57,650/- with interest as against Rs.11,61,920/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.3,95,730/- 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;

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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.3,95,730/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Appellant – Claimant is not entitled to interest on enhanced future medical expenses of Rs.15,000/-.

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

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 4
Ct.sm