HC-KAR

NC: 2026:KHC:65408
MFA No. 6483 of 2026

CNR: KAHC010614562026

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. 6483 OF 2026

(MV-I)

BETWEEN:

RENUK
W/O MAREPPA
NOW AGED ABOUT 27 YEARS
R/OF YARGOL, YADGIRI-585 218.

...APPELLANT

(BY SRI. N R RANGEGOWDA, ADVOCATE)

AND:

1. IFFCO -TOKIO GENERAL INSURANCE
COMPANY LTD
REP. BY ITS BRANCH MANAGER
CUSTOMER SERVICE CENTER
No.141, SRI SHANTHI TOWER
5TH FLOOR, 3RD MAIN
EAST OF NGEF LAYOUT, KASTHURINAGAR
BANGALORE-560 001.

2. HEMANTH N MURTHY
S/O, NARASIMHA MURTHY
R/OF, MANJUSHREE FARM, TAVAREKERE
BANAGALORE-560 130.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R1
V/O DTD. 24.11.2026, NOTICE TO R2 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:04-04-2026 PASSED IN MVC No.45/2025 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU 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

This appeal is filed by the appellant -claimant seeking enhancement of compensation awarded in judgment and award dated 04.04.2026 passed in MVC No.45/2025 by X Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-16).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a

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road traffic accident occurred on 19.12.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-41/MB-9989. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1.	Loss of future income	Rs.7,92,000-00
2.	Medical expenses	1,53,823-00
3.	Pain and sufferings	80,000-00
4.	Attendant charges	12,000-00
5.	Food and nourishment	9,600-00
6	Conveyance expenses	10,000-00
7	Loss of income during treatment period	49,500-00
8	Loss of amenities	50,000-00
9	Future medical expenses	Nil
	Total	**Rs.11,56,923-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking

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enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. The accident occurred on 19.12.2024 and the claimant was aged 28 years as on the date of accident. Considering the said age, the Tribunal has rightly taken the multiplier '17'. The notional fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal.

7. The claimant has sustained the following injuries:

i) Fracture of bilateral inferior pubic rami

ii) Displaced fracture of left superior pubic ramus

iii) Comminuted fracture of anterior wall of right acetabulum

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iv) Displaced fracture of left sided scrum extending into the articular surface of left sacroiliac joint

v) Fracture of right transverse process of L2 and L4 vertebrae

Considering the said injuries sustained, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.80,000/- is enhanced to Rs.1,80,000/- and the loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.1,20,000/-.

8. The Tribunal based on the documents has rightly awarded the medical expenses of Rs.1,53,823/-. The claimant had been admitted in the hospital for 12 days and therefore, he is entitled attendant, conveyance charges, food and nourishment etc., in a sum of Rs.12,000/- (Rs.1,000/- x 12 days) as against attendant charges of Rs.12,000/-, food and nourishment of Rs.9,600/- and conveyance charges of Rs.10,000/- as awarded by the Tribunal. Considering the fractures

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sustained and the age of the claimant he has to take rest at least for 06 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.1,02,000/- (Rs.17,000/- x6 months) as against Rs.49,500/- as awarded by the Tribunal.

9. Learned counsel for the appellant submits that the Tribunal based on the evidence of the doctor has rightly taken disability to the whole body at 25%. Even though the Tribunal has held that the multiplier applicable is '17' but while calculating the loss of future income due to disability has taken multiplier '16'. Since the disability is more than 20%, future prospects are requires to be added at 40% as the injured -claimant is aged 28 years. In view of the above, the loss of future income due to disability is calculated as under:

Rs.17,000/-x12x17x25% + 40% = Rs.12,13,800/-.

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

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Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,80,000/-
02.	Towards Medical Expenses	1,53,823/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	12,000/-
04.	Towards loss of amenities	1,20,000/-
05.	Towards loss of future income due to disability	12,13,800/-
06.	Toward loss of income during laid up period	1,02,000/-
	Total	**17,81,623/-**

The claimant is entitled to total compensation of Rs.17,81,623/- as against Rs.11,06,923/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.6,24,700/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 -insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) The appellant -claimant is entitled to enhanced compensation of Rs.6,24,700/- with interest at

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the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.1 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) Out of the enhanced compensation, 50% shall be released to the claimant and remaining 50% shall be kept in fixed deposit in Karnataka Bank, High Court Branch, Bengaluru for a period of 03 years in the name of claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 20
Ct.sm