HC-KAR

NC: 2026:KHC:60479
MFA No. 6482 of 2026

CNR: KAHC010614582026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6482 OF 2026 (MV-I)

BETWEEN:

MAREPPA @ MARIYAPPA
S/O BASAPPA
NOW AGED ABOUT 33 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. 10.09.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:04-04-2026

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JUDGE, HIGH COURT OF KARNATAKA

PASSED IN MVC No.44/2025 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 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 04.04.2026 passed in MVC No. 44/2025 by the X Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-16).

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. 1 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by

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him in a road traffic accident that occurred on 09.12.2024 due to the rash and negligent driving by the driver of car bearing registration No. KA-41-MB-9989. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1.	Loss of future income	Rs.4,75,200/-
2.	Medical Expenses	Rs.4,22,391/-
3.	Pain and sufferings	Rs.60,000/-
4.	Attendant charges	Rs.12000/-
5.	Food and nourishment	Rs.9,600/-
6.	Conveyance expenses	Rs.10,000/-
7.	Loss of income during treatment period	Rs.33,000/-
8.	Loss of amenities	Rs.40,000/-
9.	Future medical expenses	Rs.20,000/-
	Total	**Rs.10,82,191/-**

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. 1 – Insurer to

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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. 1 – Insurer.

6. The accident occurred on 09.12.2024 and as on the date of accident claimant was aged 33 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `16'.

7. The accident occurred in the year 2024 and 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.

8. Claimant had sustained the following injuries:

> Compound fracture of femur M/34d – L/3rd of right femur and fracture of lateral condyle of left tibia.

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9. Considering the said injuries sustained by the claimant compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- is enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.40,000/- is enhanced to Rs.80,000/-.

10. Considering the injuries sustained claimant had to take rest at-least for 3 months and therefore, entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000 X 3).

11. Claimant was admitted in the hospital for 12 days and therefore, entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.12,000/- (Rs.1,000 X 12 days) as against Rs.12,000/- towards attendant charges, Rs.9,600/- towards food and nourishment and Rs.10,000/- towards conveyance charges awarded by the Tribunal.

12. P.W.2 – Doctor has stated that claimant has to undergo one more surgery for removal of implant.

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Considering the same, compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.20,000/- is enhanced to Rs.30,000/-.

13. P.W.2 – Doctor who has examined the claimant and assessed the disability has stated that claimant had sustained 21.5% injuries to the whole body from right lower limb. The Doctor has not stated what the disability to the right lower limb and left lower limb separately. Considering the said evidence of the Doctor and the fractures sustained, the Tribunal has rightly taken the total body disability at 15%.

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

17,000 X 12 X 16 X 15% = Rs.4,89,600/-

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

1	Pain and suffering	Rs.1,00,000/-

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2	Loss of amenities	Rs.80,000/-
3	Loss of income during laid up period	Rs.51,000/-
4	Medical expenses	Rs.4,22,391/-
5	Attendant, conveyance, food and nourishment charges	Rs.12,000/-
6	Future medical expenses	Rs.30,000/-
7	Loss of future income due to disability	Rs.4,89,600/-
	Total	**Rs.11,84,991/-**

16. Considering the above aspects claimant is entitled to total compensation of Rs.11,84,991/- as against Rs.10,82,191/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.1,02,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.

17. 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.1,02,800/- with interest at the

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rate of 6% p.a. from the date of petition till the date of realization.

c) Respondent No. 1 – 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.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 59
Ct.sm