HC-KAR

NC: 2026:KHC:60480
MFA No. 6665 of 2026

CNR: KAHC010635422026

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. 6665 OF 2026

(MV-I)

BETWEEN:

SRI. SHIVAMADE GOWDA
S/O. DYAVE GOWDA
AGED ABOUT 75 YEARS
R/AT DODDAMARALAWADI
MARALAWADI HOBLI
HAROHALLI TALUK
BANGALORE SOUTH DISTRICT - 562 117.

...APPELLANT

(BY SMT. NITHYA ABHILASH, ADVOCATE FOR
SRI PRAKASH M H, ADVOCATE)

AND:

1. SRI SAMPATH NAIK A. G.
S/O. GOVINDA NAIK
AGE MAJOR
R/AT ARJUNAHALLI VILLAGE
HALANATHA, KODIHALLI HOBLI
KANAKAPURA TALUK
BANGALORE SOUTH DIST - 562 117.

2. HDFC ERGO GEN. INS. CO. LTD.,
OFFICE AT, HM GENEVA HOUSE
UNIT No.14, 108 TO 111
1ST FLOOR, CUNNINGHAM ROAD

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

BANGALORE - 560 052.
REP BY ITS MANAGER.

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 17.09.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:21-02-2026 PASSED IN MVC No.8127/2023 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, 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 21.02.2026 passed in MVC No. 8127/2023 by the III Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-18).

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing

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for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

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 19.10.2023 due to the rash and negligent driving by the driver of Bolero pick up goods carrier bearing registration No. KA-42-B-3948. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Compensation head	**Compensation amount**
1. Pain and Suffering	Rs.20,000-00
2. Loss of income during laid-up period and rest period	Rs.32,000-00
3. Medical expenses	Nil
4. Attendant, Nourishment and Conveyance Charges	Rs.25,000-00
5. Loss of future income due to disability	Rs.1,15,200-00
6. Loss of Amenities	Rs.20,000-00
7. Future medication	Rs.40,000-00
Total	Rs.2,52,200-00

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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. 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 19.10.2023 and as on the date of accident the claimant was aged 74 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `5'. Notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- taken by the Tribunal.

7. Claimant had sustained the following injuries:

"Left leg distal both bone fracture type III A"

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8. Considering the said injury sustained by the claimant compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.70,000/- and loss of amenities awarded in sum of Rs.20,000/- is enhanced to Rs.50,000/-. Considering the injuries sustained claimant had to take rest at-least for 3 months and therefore entitled to a sum of Rs.48,750/- (Rs.16,250 X 3 months) towards the loss of income during laid up period as against Rs.32,000/- awarded by the Tribunal. Claimant was admitted in the hospital for 24 days and considering the same the Tribunal has rightly awarded Rs.25,000/- towards attendant, conveyance charges, food and nourishment.

9. The Tribunal based on the evidence of the Doctor has awarded future medical expenses of Rs.40,000/-.

10. P.W.2 is the Doctor who has examined the claimant, assessed his disability and stated that the

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claimant has sustained 52% disability to the lower limb and 17% to the whole body. In cases of disability to the lower limb, one third of the same is to be taken as disability to the whole body. Considering the said aspect, the disability is to be taken at 17% to the whole body as against 12% taken by the Tribunal.

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

16,250 X 12 X 5 X 17% = Rs.1,65,750/-

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

1	Pain and suffering	Rs.70,000/-
2	Loss of amenities	Rs.50,000/-
3	Loss of income during laid up period	Rs.48,750/-
4	Attendant, conveyance, food and nourishment	Rs.25,000/-
5	Future medical expenses	Rs.40,000/-
6	Loss of future income due to disability	Rs.1,65,750/-
	Total	**Rs.3,99,500/-**

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13. In view of the above, claimant is entitled to total compensation of Rs.3,99,500/- as against Rs.2,52,200/- awarded by the Tribunal with interest. Consequently claimant is entitled to enhanced compensation of Rs.1,47,300/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Respondent No. 2 - Insurer is liable to pay the said enhanced compensation with interest.

14. 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.1,47,300/- 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.

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

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JUDGE, HIGH COURT OF KARNATAKA

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 62
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