HC-KAR
NC: 2026:KHC:61253
MFA No. 6777 of 2026
CNR: KAHC010650112026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6777 OF 2026

(MV-I)

BETWEEN:

RANJITH R
S/O GANAPATHI
AGED ABOUT 27 YEARS
R/AT TALAGERI
GOWTHAMPURA POST
SAGARA TALUK
SHIVAMOGGA DISTRICT.

...APPELLANT

(BY SRI. ASHWATH C.M, ADVOCATE)

AND:

1. VENUGOPALA M.B.
S/O BILIYAPPA
AGED ABOUT 41 YEARS
R/AT HUNASEKATTE, MUDUBA
SIDDAPURA
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT.
DRIVER OF EICHER COMPANY TRACTOR BEARING
REG.No.KA.15/TA-8661 T 5660
D.L.NO.KA.15/20081000177.

2. LOKESH T. H.
S/O HARINA HUCHAPPA

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JUDGE, HIGH COURT OF KARNATAKA

AGED ABOUT MAJOR
R/AT TALAGERE, NARASIPURA
ANANDAPURAM HOBLI
SAGARA TALUK
SHIVAMOGGA DISTRICT.

3. THE DIVISIONAL MANAGER
IFFCO TOKIO GENERAL INSURANCE
COMPANY LIMITED,
SHASHIKIRANA BUILDING
1ST FLOOR, SHANKAR MATA ROAD
SHIVAMOGGA-577 201.
POLICTY No.-MP862044
(9.07.2022 UP TO 08.07.2023)

…RESPONDENTS

(BY SRI P SJAGADISH, ADVOCATE FOR R3
V/O DTD. 05.10.2026, NOTICE TO R1 AND R2 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.07.2026 PASSED IN MVC NO. 608/2023 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, ADDITIONAL MACT, SHIVAMOGGA (SITTING AT SAGAR), 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

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 30.07.2026 passed in MVC No.608/2023 by

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the V Additional District Judge and Additional MACT, Shivamogga sitting at Sagar.

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 No.3/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 15.03.2023 contending that the accident occurred due to rash and negligent driving of the driver of Eicher Tractor bearing Regn.No.KA-15/TA-8661. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards pain and agony shock, discomfort and inconvenience	1,00,000/-
02.	Towards medical expenses	4,12,534/-
03.	Towards future medical expenses	40,000/-

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04.	Towards food, nourishment, attendant, conveyance	30,000/-
05.	Towards permanent disability / loss of future earning	3,15,900/-
06.	Towards loss of income during laid up period	48,750/-
	Total	**9,47,184/-**

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.3/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.3/insurer. Learned counsel for the appellant has filed I.A.1/2026 under Order XLI Rule 27 of CPC with 30 bills and one discharge summary certificate seeking production of those documents as additional evidence.

6. The accident occurred on 15.03.2023 and as on the date of accident, the claimant was aged 24 years. Considering the said age of the claimant, the Tribunal has

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rightly applied multiplier '18' and taken notional income of Rs.16,250/- p.m.

7. The claimant has sustained right femur shaft fracture, type 3B open schatzker type V right tibial plateau fracture and type 2 open comminuted distal one third fracture of right tibia and fibula. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal in a sum of Rs.1,00,000/- is enhanced to Rs.1,60,000/-. The Tribunal has not awarded loss of amenities. Considering the injuries sustained by the claimant a sum of Rs.1,20,000/- is awarded towards loss of amenities.

8. The Tribunal has awarded medical expenses of Rs.4,12,534/- based on the documents produced. Now the appellant has produced documents for having spent medical expenses of Rs.64,453/- under I.A.1/2026. Considering the said documents produced, the claimant has been admitted in the hospital for 13 days and spent Rs.64,453/- for treatment and medical expenses.

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Therefore, apart from Rs.4,12,534/-, the claimant is entitled to Rs.64,453/-. Therefore, the claimant is entitled to total medical expenses of Rs.4,76,987/-. The Doctor – PW.2 has stated that the claimant has to undergo surgery and estimated cost is Rs.1,00,000/-. The Tribunal has awarded Rs.40,000/- towards future medical expenses. In view of the fact that the claimant has taken further treatment as per the documents with I.A.1/2026, there is no need for enhancement of future medical expenses.

9. The claimant was admitted in the hospital for four times and discharge summary produced indicate that he has been admitted in the hospital for 83 days. The documents now produced with I.A.1/2026 also indicate that the claimant has been admitted in the hospital for 13 days between 31.08.2026 and 12.09.2026. Therefore, the claimant is entitled to attendant and conveyance charges, food and nourishment in a sum of Rs.96,000/- (Rs.1000 x 96 days) as against Rs.30,000/- awarded by the Tribunal.

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10. Considering the injuries sustained and the treatment taken and duration of treatment, the claimant has to take rest atleast for 06 months and therefore, entitled to loss of income during laid up period in a sum of Rs.97,500/- (Rs.16,250 x 6 months) as against Rs.48,750/- awarded by the Tribunal.

11. The Doctor has examined the claimant, assessed his disability and stated that the claimant has sustained 48% disability to the right lower limb. The Tribunal has taken disability at 9%. In cases of disability to lower limb, 1/3rd of the same is to be taken. Therefore, the disability would be 16% (1/3rd of 48%) to the whole body. In view of the same, the loss of future income due to disability is calculated as under:

Rs.16,250 x 12 x 18 x 16% = Rs.5,61,600/-

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

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	1,60,000/-
02.	Loss of amenities	1,20,000/-

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03.	Medical expenses	4,76,987/-
04.	Future medical expenses	40,000/-
05.	Attendant and conveyance charges	96,000/-
06.	Loss of income during laid up period	97,500/-
07.	Loss of future income	5,61,600/-
	Total	**15,52,087/-**

13. Considering the above aspects, the claimant is entitled to total compensation of Rs.15,52,087/- as against Rs.9,47,184/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.6,04,903/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.3/insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:

ORDER

i) The appeal and I.A.1/2026 are allowed**.**

ii) The appellant/claimant is entitled to enhanced compensation of Rs.6,04,903/-

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with interest @ 6% p.a. from the date of petition till realization.

iii) Respondent No.3/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

iv) Appellant/claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 47
Ct.sm