HC-KAR

NC: 2026:KHC:64190
MFA No. 7143 of 2026

CNR: KAHC010679072026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7143 OF 2026

(MV-I)

BETWEEN:

KUMARI .AISHWARYA M.V
D/O. MANJUNATHA K
AGED ABOUT 19 YEARS
R/O. 96, HEGGANAHALLI CROSS
BEHIND GANESHA TEMPLE
BENGALURU – 560 091.

...APPELLANT

(BY SRI. KAILAS SHANKAR P S, ADVOCATE)

AND:

1. SMT. K. TRIVENI
W/O. VENKATESH, MAJOR
R/O. No. 51/49, 21ST CROSS
21ST MAIN ROAD, MARENAHALLI
GOVINDARAJANAGAR
VIJAYANAGAR
BENGALURU-560 004.

2. THE MANAGER
IFFCO TOKIO GENERAL INS. CO. LTD.,
REGIONAL OFFICE, No. 141
SHANTHI TOWER, 5TH FLOOR
3RD MAIN EAST OF NGEF LAYOUT

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

KASTURINAGAR
BANGALORE – 560 043.

…RESPONDENTS

(BY SRI P S JAGADEESH, ADVOCATE FOR R2
V/O DTD. 06.10.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:24.02.2026 PASSED IN MVC No.1580/2024 ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES AND MEMBER, MACT-15, BENGALURU SCCH-15 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 24.02.2026 passed in MVC No.1580/2024 by XIII Additional Judge, Court of Small Causes and Additional MACT, Bengaluru (SCCH-15).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of

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learned counsel for appellant and learned counsel for respondent No.2 -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 25.12.2023 contending that the accident occurred due to rash and negligent driving of the driver of bus bearing registration No.KA-52/AJ-2283. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1.	Pain, shock & Suffering	Rs.30,000/-
2.	Loss of amenities	Rs.20,000/-
3.	Loss of income during the laid up period	NA
4.	Attendant's charges Extra diet and conveyance	Rs.20,000/-
5.	Medical expenses	Rs.4,27,520/-
6.	Loss of Future Income	7,60,320/-
	Total	**Rs.12,57,840/-**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization

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and directed respondent No.2 -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.2 –insurer.

6. The learned counsel for appellant submits that the notional income fixed for the year 2023 is Rs.16,250/- per month and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal. He further submits that even though the Tribunal has taken disability at 22% but has not added future prospects. He submits that the compensation awarded under other heads is also on lower side. With these, he prays to allow the appeal.

7. Learned counsel for respondent No.2 –insurer wound contend that the compensation awarded on all heads is just and proper and there are no grounds for enhancement.

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8. Having heard learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 25.12.2023 and as on the date of accident, the claimant was aged 17 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '18'.

10. The claimant has sustained following injuries:

i) Left open elbow with medial arm defect with ulnar nerve segmental loss with olecranon fracture

Considering the said injury, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.50,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.40,000/-. The claimant has been admitted in the hospital for 10 days and therefore, he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.10,000/- (Rs.1,000/- x 10 days) as against Rs.20,000/- awarded by the Tribunal. Considering the injuries sustained and that the claimant was aged 17

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years, one of her parents has to take care of him and therefore, she is entitled to loss of income during laid up period to parent in a sum of Rs.16,250/-. The notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- as taken by the Tribunal. The Tribunal based on the documents has rightly awarded medical expenses of Rs.4,27,520/-.

11. The Tribunal has taken disability at 22%. Even in spite of taking disability at 22%, the Tribunal has not added future prospects. Since the disability is more than 20%, the future prospects are to be added at 40% since the claimant is aged 17 years. In view of the same, the loss of future income due to disability is calculated as under:

Rs.16,250/- x 12 x 18x 22% + 40% = Rs.10,81,080/-.

12. In view of 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	50,000/-
02.	Towards Medical Expenses	4,27,520/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	10,000/-
04.	Towards loss of amenities	40,000/-
05.	Towards loss of future income due to disability	10,81,080/-
06.	Toward loss of income during laid up period to parent	16,250/-
	Total	**16,24,850/-**

The claimant is entitled to total compensation of Rs.16,24,850/- as against Rs.12,57,840/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,67,010/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

13. In view of above, the following

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ORDER

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

ii) The appellant -claimant is entitled to enhanced compensation of Rs.3,67,010/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.2 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 her name in Karnataka Bank, City Civil Court Branch, Bengaluru for a period of 03 years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 41
Ct.sm