HC-KAR

NC: 2026:KHC:59884
MFA No. 8108 of 2025

CNR: KAHC010709802025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 8108 OF 2025 (MV-I)

BETWEEN:

SRI. G. GANGAPPA
S/O GURRAPPA,
NOW AGED ABOUT 38 YEARS,
RESIDING AT BANAHALLI VILLAGE,
KOTHAMANGALA POST, MULABAGAL TALUK,
KOLAR DISTRICT.

…APPELLANT

(BY SRI. SUSHMITHA G., ADVOCATE)

AND:

1. SRI. BASAVARAJ S.S.
S/O SHANKARAPPA,
NOW AGED ABOUT 48 YEARS,
A/AT SHETTIVARAHALLI VILLAGE,
VELAGALABURRE POST,
KOLAR TALUK AND DISTRICT.

2. UNITED INDIA INSURANCE
COMPANY LIMITED,
REGIONAL OFFICE,
5TH FLOOR, KRISHI BHAVANA,
NRUPATHUNGA ROAD, HUDSON CIRCLE,
BENGALURU - 560 001,
REP. BY ITS MANAGER.

…RESPONDENTS

(BY SRI. H.C. BETSUR, ADVOCATE FOR R2;
VIDE ORDER DATED 16.09.2025, NOTICE TO R1 IS DISPENSED WITH)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

CNR: KAHC010709802025

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 11.11.2024 PASSED IN MVC NO. 3430/2022 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU (SCCH.13), 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 11.11.2024 passed in MVC No.3430/2022 by II Additional Judge and ACJM, Court of Small Causes and MACT, Bengaluru (SCCH-13).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

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3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 17.02.2022 contending that the accident occurred due to rash and negligent driving by the driver of Ashok Leyland Dost Light goods vehicle bearing registration No.KA-07-A-8544.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future earnings	Rs. 3,51,540/-
2.	Pain and sufferings	Rs. 20,000/-
3.	Loss of amenities	Rs. 20,000/-
4.	Medical expenses	Rs. 56,090/-
5.	Conveyance, food, nourishment and attendant charges	Rs. 10,000/-
6.	Loss of income during laid up period and rest period	Rs. 15,500/-
	Total	**Rs. 4,73,130/-**

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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. The accident occurred on 17.02.2022 and as on the date of accident the claimant was aged thirty five (35) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '15' and considering the said year of the accident, the Tribunal has rightly taken the notional income at Rs.15,500/- per month.

8. The claimant has sustained the following injuries:

a) Sutured laceration over right occipital region of 14 X 3 cms.

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b) Abrasion of 3 X 3 cms. over right side of forehead

c) Abrasion of 2 X 1 cms. over left side of forehead

d) Peri-orbital edema and swelling over right eye

e) Upper eyelid swelling over left eye

9. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.20,000/- is enhanced to Rs.80,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.60,000/-.

10. The claimant has been admitted in hospital for seven (07) days and considering the same, the claimant has to take rest atleast for two (02) months and therefore the claimant is entitled to loss of income during laid up period in a sum of Rs.31,000/- (Rs.15,500/- X 02 months) as against Rs.15,500/- awarded by the Tribunal.

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11. The Tribunal has rightly awarded conveyance, food, nourishment and attendant charges in a sum of Rs.10,000/- and also medical expenses of Rs.56,090/-.

12. P.W.3 - Doctor has examined the claimant, assessed his disability and stated that the claimant has sustained 40% disability due to head injury. The Tribunal has taken the functional disability at 9%. Even though the claimant has sustained the head injury, he has given evidence and faced cross-examination. Considering the said evidence of P.W.3 and the claimant himself has given evidence, the functional disability is to be taken at 13% as against 9% taken by the Tribunal. The Tribunal is not proper in adding future prospects at 40% since the disability taken is less than 20%. Therefore, the claimant is entitled to loss of future income due to disability as under:

Rs.15,500/- X 12 X 15 X 13% = Rs.3,62,700/-

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13. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 80,000/-
2.	Loss of amenities	Rs. 60,000/-
3.	Loss of income during laid up period	Rs. 31,000/-
4.	Food, nourishment, attendant and conveyance charges	Rs. 10,000/-
5.	Medical expenses	Rs. 56,090/-
6.	Loss of future income due to disability	Rs. 3,62,700/-
	Total	**Rs. 5,99,790/-**

14. The claimant is entitled to total compensation of Rs.5,99,790/- as against Rs.4,73,130/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.1,26,660/- (Rs.5,99,790/- - Rs.4,73,130/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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16. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

17. The appellant/claimant is not entitled to interest for the delay period of 229 days in filing the appeal as per order dated 16.09.2026 passed on I.A.No.1/2025.

18. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,26,660/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

iv) The appellant/claimant is not entitled to interest for the delay period of 229 days in filing the appeal.

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v) The appellant/claimant is entitled to release of entire enhanced compensation with interest.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 26