HC-KAR

NC: 2026:KHC:55042
MFA No. 8452 of 2025

CNR: KAHC010738022025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.8452/2025 (MV-I)

BETWEEN:

1. MR. ALLABAKASH .K
   S/O KASIM SAB
   NOW AGED ABOUT 40 YEARS
   R/AT NO.154, WARD NO. 5
   BATTALUNNISSA LAYOUT
   BHARAT PETROL BUNK BACK SIDE
   ANEKAL, BENGALURU DISTRICT-562 106.

...APPELLANT

(BY SRI. GIRI MALLAIAH, ADV.,)

AND:

1. IFFCO-TOKIO GENERAL INSURANCE COMPANY LTD.,
   SHANTHI TOWERS, 5TH FLOOR
   NO. 141, 3RD MAIN, EAST OF NGEF
   LAYOUT, KASTURINAGAR
   BENGALURU-560 043
   BY ITS MANAGER.

2. SMT. NAVYASHREE .J
   W/O SIDDALINGA
   MAJOR
   R/O NELAMAKANAHALLI VILLAGE
   AND POST, MALAVALLI TALUK
   MANDYA DISTRICT-571 430.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADV., FOR R1
V/O/DTD:06.03.2026 NOTICE TO R2 D/W)

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THIS MFA IS FILED U/S.173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 1ST DAY OF SEPTEMBER 2025, PASSED IN MVC NO.8006/2023, PASSED BY THE COURT OF 10TH ADDITIONAL SMALL CAUSES AND MOTOR ACCIDENT CLAIMS TRIBUNAL, X ADDL. JUDGE COURT OF SMALL CAUSES & MEMBER MACT AT BANGALORE (SCCH-16) AND PRAYS FOR ENHANCE COMPENSATION AS VALUED AND PRAYED IN THE CLAIM PETITION AND BY AWARDING SUCH SUM/RELIEF THAT THIS HON'BLE COURT FEELS JUST AND REASONABLE AND TO PASS SUCH CIRCUMSTANCES OF THE CASE AND ALLOW THE APPEAL WITH COST, IN THE INTEREST OF JUSTICE AND EQUITY.

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 01.09.2025 passed in MVC No. 8006/2023 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.

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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 29.09.2023 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-11-EV-8770. 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.2,79,000.00
2	Medical expenses	Rs.9,430.00
3	Pain and sufferings	Rs.50,000.00
4	Attendant charges	Rs.11,000.00
5	Food and nourishment	Rs.8,800.00
6	Conveyance expenses	Rs.10,000.00
7	Loss of income during treatment period	Rs.46,500.00
8	Loss of amenities	Rs.30,000.00
9	Future medical expenses	Rs.20,000.00
	Total	**Rs.4,64,730.00**

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 29.09.2023 and as on the date of accident the claimant was aged 40 years. Considering the said age of the claimant, the Tribunal has applied multiplier of `15'. Claimant had sustained proximal tibia fracture schatzker type-4.

7. P.W.2 is the Doctor who had examined the claimant, assessed his disability and stated that claimant had sustained 45% disability to the lower limb and 15% to the whole body. The Tribunal has taken 10% disability to the whole body. In cases of disability to the lower limb, 1/3rd of the same is to be taken as the disability to the whole body. Therefore, disability to the whole body is taken at 15% as against 10% taken by the Tribunal. More

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so, occupation of the claimant is driver. Ex.P.9 is copy of the driving license of the claimant and as per the same, he is authorized to drive light motor vehicle. Claimant, in his petition and in his evidence, has stated that his avocation is driver. Considering the said avocation of the claimant, his income is to be taken higher than the notional income fixed for un-skilled labour. Therefore, income of the claimant is taken at Rs.18,000/- per month.

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

18,000 X 12 X 15 X 15% = Rs.4,86,000/-

9. The Tribunal has rightly awarded pain and suffering in a sum of Rs.50,000/-, loss of amenities in a sum of Rs.30,000/- and medical expenses in a sum of Rs.9,430/-.

10. Claimant was admitted in the hospital for 11 days and considering the same, he is entitled to attendant, conveyance, food and nourishment charges in a sum of

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Rs.11,000/- (Rs.1,000 X 11 days). Therefore, claimant is not separately entitled to food and nourishment in a sum of Rs.8,800/- and conveyance expenses of Rs.10,000/- awarded by the Tribunal.

11. The Tribunal has awarded loss of income during laid up period by taking the monthly income of the claimant at Rs.15,500/-. Now monthly income of the claimant is taken at Rs.18,000/-. Therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.54,000/- (Rs.18,000 X 3 months) as against Rs.46,500/- awarded by the Tribunal.

12. The Tribunal has awarded future medical expenses in a sum of Rs.20,000/-. P.W.2 – Doctor has stated that claimant has to undergo surgery for removal of implant and cost of the same would be Rs.25,000/-. Therefore, claimant is entitled to future medical expenses of Rs.25,000/- as against Rs.20,000/- awarded by the Tribunal. Claimant is not entitled to interest on enhanced

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compensation under the head `future medical expenses' of Rs.5,000/-.

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

1	Loss of future income	Rs.4,86,000.00
2	Medical expenses	Rs.9,430.00
3	Pain and sufferings	Rs.50,000.00
4	Attendant charges	Rs.11,000.00
5	Loss of income during treatment period	Rs.54,000.00
6	Loss of amenities	Rs.30,000.00
7	Future medical expenses	Rs.25,000.00
	Total	**Rs.6,65,430.00**

14. Considering the above aspects claimant is entitled to total compensation of Rs.6,65,430/- as against Rs.4,64,730/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,00,730/- with interest. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

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O R D E R

a) Appeal is allowed in part.

b) Appellant - claimant is entitled to enhanced compensation of Rs.2,00,700/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Appellant – Claimant is not entitled to interest on enhanced compensation towards future medical expenses in a sum of Rs.5,000/-.

d) Respondent No. 1 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 30
Ct - MS