HC-KAR

NC: 2026:KHC:61803
MFA No. 8439 of 2025

CNR: KAHC010741252025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8439 OF 2025

(MV-I)

BETWEEN:

SRI KANTHARAJU
S/O CHIKKAAPEGOWDA
AGE ABOUT 54 YEARS
R/A KAGALA VILLAGE
CHUNCHANKATTE HOBLI
K .R NAGAR TALUK
MYSURU – 571 617.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SRI MANJUNATHA R
S/O RAJEGOWDA
AGE ABOUT 36 YEARS
R/AT KOTTHEGALA VILLAGE AND POST
HANAGODU HOBLI , HUNSUR TALUK
MYSURU DISTRICT – 571 134.

2. MANAGER
UNIVERSALL SHLAMPOO
GENERAL INSURANCE CO. LTD.,
No.363, GURUKAR DEVANNA ROAD

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AGRAHARA FORT
MOHALLA MYSURU – 570 004.

…RESPONDENTS

(BY SRI D VIJAYKUMAR, ADVOCATE FOR R2
V/O DTD. 22.09.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:19.08.2025 PASSED IN MVC No. 1424/2022 ON THE FILE OF THE COURT OF PRL SMALL CAUSES AND SENIOR CIVIL JUDGE AND MACT, MYSURU, 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 19.08.2025 passed in MVC No.1424/2022 by the Principal Judge, Court of Small Causes and MACT, Mysuru.

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 30.08.2022 contending that the accident occurred due to rash and negligent driving of the driver of motor cycle bearing registration No.KA-45/Y-8246. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Towards pain and sufferings	Rs.45,000/-
Towards medical expenses	Rs.3,90,700/-
Towards diet, food, nourishment, attendant and conveyance charges	Rs.35,000/-
Towards loss of future earning capacity.	Rs.1,84,140/-
Loss of income during laid up period	Rs.46,500/-
Towards loss of amenities	Rs.20,000/-
Towards future medical expenses	Rs.20,000/-
Total	**Rs.7,41,340/-**

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4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization 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 accident occurred on 30.08.2022 and as on the date of accident, the claimant was aged 54 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '11'. Considering the said year of the accident, the Tribunal has rightly taken notional income of Rs.15,500/- per month.

7. The claimant has sustained the following injuries:

i) Open fracture of left proximal

ii) /3rd –mid 1/3rd of tibia,

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iii) dislocation of left 1st metacarpalangeal

Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.45,000/- is enhanced to Rs.60,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.40,000/-

8. The Tribunal based on documents has rightly awarded medical expenses of Rs.3,90,700/-. The claimant has been admitted in the hospital for 11 days and therefore, he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.11,000/- (Rs.1,000/- x 11 days) as against Rs.35,000/- as awarded by the Tribunal. The Tribunal considering the injuries sustained has rightly awarded loss of income during laid up period in a sum of Rs.46,500/-.

9. P.W.2 -doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 26% disability to the right lower limb and 18%

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to the left upper limb. In cases of disability to the upper limb, 1/4th of the same is to be taken to the whole body, and in cases of lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore, the disability to the whole body is to be taken at 13.16%(8.66% + 4.5%). The another doctor –P.W.3 who is skin specialist has assessed his disability based on the skin deformities sustained by the claimant. The occupation of the claimant is stated to be agriculture. Any skin deformity does not affect his functional disability. Therefore, the said disability stated by the doctor –P.W.3 cannot be taken into consideration. In view of the above, loss of future income due to disability is calculated as under:

Rs.15,500/- x 12 x 11 x 13.16% =Rs.2,69,254/-.

10. P.W.2 -doctor has stated that the claimant has to undergo surgery for removal of implant and estimated the cost at Rs.60,000/-. The Tribunal has awarded Rs.20,000/- towards future medical expenses. Considering

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the evidence of doctor and the claimant has to undergo surgery for removal of the implant, he is entitled to a sum of Rs.30,000/- towards future medical expenses as against Rs.20,000/- as awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	60,000/-
02.	Towards Medical Expenses	3,90,700/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	11,000/-
04.	Towards loss of amenities	40,000/-
05.	Towards loss of future income due to disability	46,500/-
06.	Toward loss of income during laid up period	2,69,254/-
07.	Towards Future Medical Expenses	30,000/-
	Total	**8,47,454/-**

The claimant is entitled to total compensation of Rs.8,47,454/- as against Rs.7,41,340/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,06,114/- with interest at the rate of 6% per annum from the date of

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petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with the interest. The claimant is not entitled to interest on enhanced future medical expenses of Rs.10,000/-.

12. In view of the above, the following

ORDER

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

ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,06,114/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The appellant -claimant is not entitled to interest on enhanced future medical expenses of Rs.10,000/-.

iv) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before

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the Tribunal within a period of 06 weeks from this day.

v) The appellant -claimant is entitled to release of entire enhanced compensation amount.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 44
Ct.sm