HC-KAR
NC: 2026:KHC:61804
MFA No. 9024 of 2025
CNR: KAHC010787742025

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. 9024 OF 2025

(MV-I)

BETWEEN:

SRI KESHAVANAYAK
S/O LATE SAMYA NAYAK
AGED ABOUT 56 YEARS
RESIDING AT C/O GANESHAPPA
MAROHALLI, T. BEGUR POST
KASABA HOBLI, NELAMANGALA TALUK
BENGALURU RURAL DIST.

ALSO /AT, RESIDING AT UPPARAHALLI
1ST CROSS, NEAR URDU SCHOOL
SHANTHINAGAR, TUMKUR.

...APPELLANT

(BY SRI THIPPESWAMY B.C, ADVOCATE)

AND:

1. RAMURTHY
S/O GANGAPPA.
AGED ABOUT 48 YEARS
R/AT DODDASARANGI PALYA VILLAGE
KAMBATHANAHALLI POST, GULUR HOBLI
TUMKUR DISTRICT.

2. THE DIVISIONAL MANAGER
THE NEW INDIA ASSURANCE CO, LTD.,

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JUDGE, HIGH COURT OF KARNATAKA

MAHALAKSHMI CHEMBERS
2ND FLOOR, M.G ROAD
BANGALORE-560 001.

…RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2
V/O DTD. 02.06.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:16/09/2025 PASSED IN MVC No. 8016/2024 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-17), 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 16.09.2025 passed in MVC No.8016/2024 by the XIX Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-17).

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 25.09.2024 contending that the accident occurred due to rash and negligent driving of the driver of Bolero Pickup vehicle bearing registration No.KA-06/AB-3664. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

a.	Towards pain and agony	Rs.30,000/-
b.	Towards medical expenses	Rs.74,000/-
c.	Towards loss of income during laid up period	Rs.66,000/-
d.	Towards disability	NIL
e.	Towards food, nourishment and conveyance	Rs.15,000/-
f	Towards attendant charges	Rs.4,000/-
g.	Towards loss of amenities	Rs.20,000/-
h.	Towards future medical expenses	Rs.25,000/-
	Total	**2,34,000/-**

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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 29.05.2024 and as on the date of accident, the claimant was aged 56 years. Considering the said age of the claimant, the multiplier applicable is '9'. The notional income fixed for the year 2024 by Karnataka State Legal Service Authority is Rs.17,000/- and the same is to be taken as against Rs.16,500/- as taken by the Tribunal.

7. The claimant has sustained closed comminuted fracture right clavicle. Considering the said fracture sustained by the claimant, the compensation awarded by

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the Tribunal towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.40,000/- and loss of amenities awarded in a sum of Rs.20,000/- is enhanced to Rs.30,000/-.

8. The Tribunal based on the documents rightly awarded medical expenses of Rs.74,000/-. The claimant has been admitted in the hospital for 04 days and therefore, he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.4,000/- (Rs.1,000/- x 4days) as against Rs.15,000/- awarded towards food and nourishment and Rs.4,000/- awarded towards attendant charges. The Tribunal considering the avocation of the claimant has rightly awarded loss of income during laid up period in a sum of Rs.66,000/-.

9. The doctor –P.W.3 who has examined the claimant, assessed his disability and stated that the claimant has sustained 30% disability to the right arm and 10% to the whole body. The Tribunal has not awarded

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anything towards loss of future income due to disability. The Tribunal has pointed that the fracture of the clavicle bone does not affect his avocation. The fracture sustained by the claimant is clavicle bone fracture. It cannot be said that the fracture of clavicle bone does not affect the avocation of the claimant i.e., coolie. The coolie has to lift heavy articles and therefore, the fracture of the clavicle bone affects functioning as coolie. Therefore, the disability to the whole body is to be taken at 10% and compensation is to be awarded towards loss of future income due to disability as under:

Rs.17,000/- x 12 x 9 x 10% = Rs.1,83,600/-

10. The doctor has stated that the claimant has to undergo surgery for removal of implant and the Tribunal has awarded Rs.25,000/- towards future medical expenses. In view of the claimant to undergo surgery for removal of implant, he is entitled to a sum of Rs.30,000/-

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towards future medical expenses as against Rs.25,000/- as awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	40,000/-
02.	Towards Medical Expenses	74,000/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	4,000/-
04.	Towards loss of amenities	30,000/-
05.	Towards loss of future income due to disability	66,000/-
06.	Toward loss of income during laid up period	1,83,600/-
07.	Towards Future Medical Expenses	30,000/-
	Total	**4,27,600/-**

The claimant is entitled to total compensation of Rs.4,27,600/- as against Rs.2,34,000/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs**.**1,93**,**600/- 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.

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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.1,93,600/- 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 within a period of 06 weeks from this day.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 45
Ct.sm