



CNR: KAHC010374502023

NC: 2026:KHC:36122
MFA No. 5069 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5069 OF 2023

(MV-I)

BETWEEN:

1. SMT. SUMA
W/O LOKESH
AGED ABOUT 33 YEARS
R/AT CHIKKAPUTTAIAHNAPALYA VILLAGE
KASABA HOBLI,
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI SRINIVASA, ADVOCATE)

AND:

1. THE MANAGER
NEW INDIA INSURANCE CO. LTD.,
1ST FLOOR, VALI COMPLEX
HARIHARA BRANCH
HARIHARA - 577 601.
2. SRI P SANTHOSH KUMAR
S/O M A PRAKASH BABU
MAJOR IN AGE
R/AT No.320/4, A V ROAD





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KALASIPALYA
BENGALURU – 560 002.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R1
V/O DTD. 15.07.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DAED:14.02.2023
PASSED IN MVC No.86/2018 ON THE FILE OF THE ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, MEMBER, MACT, MAGADI,
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 14.02.2023 passed in MVC No.86/2018 by
the Additional Senior Civil Judge and Member, MACT,
Magadi.

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.1/insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 09.03.2016 contending that the accident occurred due to rash and negligent driving of the driver of bus bearing KA-01-AD-3285. The Tribunal after recording the evidence, appreciating the evidence, assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards expenses relating to treatment and hospitalization and medicines	42,687.00
02.	Towards loss of future earnings on account of permanent disability	1,25,172.00
03.	Towards nourishment, food and attendant charges	10,000.00
04.	Towards loss of earning during the period of	9,500.00



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	treatment	
05.	Towards pain and suffering	20,000.00
06.	Towards future medical expenses (additional)	5,000.00
07.	Towards conveyance charges	12,000.00
	Total	2,24,359.00

4. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.1 / 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.1/insurer.

6. Learned counsel for appellant would contend that claimant has sustained fracture of fibula and medial malleolus fracture and considering the same the compensation awarded for pain and suffering, loss of income during laid up period are on lower side. He further



submits that the Tribunal has not awarded loss of amenities. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.1/insurer would contend that the compensation awarded on all heads is just and proper and there are no grounds for enhancement.

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

9. The appellant/claimant has sustained fracture of fibula and medial malleolus fracture. Considering the said fractures, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs20,000/- requires to be enhanced to Rs.60,000/-. Considering the said fractures, the claimant is entitled to loss of amenities in a sum of Rs.40,000/-. The claimant has been admitted in the hospital for 09 days and considering the injuries/fractures sustained by the claimant, she has to take rest atleast for two months and therefore, she is entitled to loss of income



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during laid up period for two months in a sum of Rs.19,000/- (Rs.9,500 x 2 months) as against Rs.9,500/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses, food, nourishment and attendant charges, conveyance charges and future medical expenses.

10. Considering the above aspects, the appellant/claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000.00
02.	Loss of amenities	40,000.00
03.	Loss of income during laid up period	19,000.00
04.	Medical expenses	42,687.00
05.	Loss of future income	1,25,172.00
06.	Attendant and conveyance charges	10,000.00
07.	Future medical expenses	5,000.00
	Total	3,01,859.00



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11. Considering the above aspects, the claimant is entitled to total compensation of Rs.3,01,859/- as against Rs.2,24,359/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.77,500/- (Rs.3,01,859 – Rs.2,24,359) with interest @ 6% p.a. from the date of petition till realization. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

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.77,500/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.1/insurer shall deposit the said enhanced amount with interest within a period of six weeks from this day, failing



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which, it is liable to pay interest @ 9% p.a.
from this day till payment of enhanced
compensation amount.

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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB,DSP
List No.: 1 Sl No.: 22