



CNR: KAHC010244322026

NC: 2026:KHC:36383
MFA No. 2530 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2530 OF 2026

(MV-I)

BETWEEN:

1. VEENA JOY
W/O K.V. MATHEW
NOW AGED ABOUT 63 YEARS
R/AT No.D-1, WINDERMERE APTS
No.7, NORTH ROAD, COOKE TOWN
BANGALORE-560 084.
PERMANENT RESIDENT OF
No.65 HB, PANAMPILLY NAGAR
ERNAKULAM DISTRICT.

...APPELLANT

(BY SRI N R RANGE Gowda, ADVOCATE)

AND:

1. V M PRADEEP
S/O MARIYAPPA
R/AT No.3, III CROSS
BALAJI LAYOUT, BEHIND VENKATADRI
KALYANA MANTAP, KOGILU LAYOUT
YELAHANKA, BANGALORE-560 064.
2. UNITED INDIA INSURANCE
COMPANY LIMITED,
REP. BY ITS MANGER
MOTOR DEALER DIVISION





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6TH FLOOR, KRISHI BHAVAN
HUDSON CIRCLE
BANGALORE-560 001.

...RESPONDENTS

(BY SRI N R RANGEGOWDA, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:15.11.2025 PASSED IN MVC No.7860/2024 ON THE FILE OF THE XI ADDITIONAL SMALL CAUSES JUDGE AND ACJM, COURT OF SMALL CAUSES, MEMBER, MACT-12, BENGALURU SCCH-12 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 15.11.2025 passed in MVC No.7860/2024 by XI Additional Small Causes Judge and Additional MACT, Bengaluru (SCCH-12).

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



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3. The appellant -claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 17.09.2024 contending that the accident occurred due to the rash and negligent driving of the driver of the car bearing No.KA-51/AB-4743 insured with respondent No.2. The Tribunal after recording evidence and appreciating the evidence on record has assessed the compensation and awarded compensation under various heads as under:

SL.No.	Particulars of Heads	Amount in Rs.
i.	Medical expenses	37,430/-
ii.	Food and nourishment	2,500/-
iii.	Attendant charges	2,500/-
iv	Loss of income during laid up period	33,000/-
V	Conveyance charges	3000/-
Vi	Loss of income due to disability	1,10,880/-
vii.	Future medical expenses	25,000/-
Vii	Pain & Sufferings	30,000/-
ix	Physical discomfort and loss of amenities of life	30,000/-
x.	Loss of future prospect	NIL
Total		Rs.2,74,310/-

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till



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realisation and directed respondent No.2 –insurer to pay the award amount with interest. The claimant is seeking enhancement has filed present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. Learned counsel for the appellant – claimant would contend that the claimant has sustained fracture of left proximal tibia and P.W.4 doctor has assessed disability of the lower limb at 44% and whole body at 15%. The Tribunal has taken disability only at 8%. The compensation awarded for pain and suffering, loss of income during laid up period, loss of amenities, future medical expenses are on lower side. The Tribunal has taken income at Rs.16,500/- but as per chart prepared by Karnataka State Legal Services Authority, the notional income for the year 2024 is Rs.17,000/-. With these, he prays to allow the appeal.

7. Learned counsel for the respondent No.2 – insurer would contend that the Tribunal considering that



the fracture is united has rightly taken disability at 8%. Compensation awarded for other heads is just and proper and there are no grounds for enhancement of compensation. With these, he prays to dismiss the appeal.

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

9. As per wound certificate the claimant has sustained fracture of left proximal tibia. P.W.4 - doctor has assessed the disability of the claimant at 44% of lower limb and 15% to the whole body and the Tribunal has taken disability of the whole body at 8%. Considering the fact that the claimant is aged 61 years and that he has sustained fracture of left proximal tibia, the disability of the whole body is to be taken at 10% as against 8% as taken by the Tribunal.

10. The Tribunal has taken notional income of the claimant at Rs.16,500/-. As per the chart prepared by Karnataka State Legal Services Authority, the notional income for the year 2024 is Rs.17,000/- and the same is



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to be taken. The Tribunal has rightly applied the multiplier
7. In view of the above, loss of future income is calculated
as under:

$$\text{Rs.17,000/-} \times 12 \times 7 \times 10\% = \text{Rs.1,42,800/-}.$$

11. The claimant has been admitted in the hospital for 05 days. Considering the same, the compensation awarded for food nourishment in a sum of Rs.2,500/-, attendant charges in a sum of Rs.2,500/- and conveyance charges in a sum of Rs.3,000/- are just and proper. The Tribunal has also rightly awarded medical expenses of Rs.37,430/-. Considering the fracture sustained by the claimant, the Tribunal has rightly awarded pain and suffering in a sum of Rs.30,000/- and loss of amenities in a sum of Rs.30,000/-. Considering that the Tribunal has awarded loss of income during laid up period for 02 months. Now the income of the claimant is taken at Rs.17,000/- and therefore, loss of income during laid up period is Rs.34,000/- as against Rs.33,000/- as awarded by the Tribunal. The doctor -P.W.4 has stated



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that the claimant has to undergo operation for removal of implant and stated estimated expenses is Rs.80,000/-. The Tribunal has awarded Rs.25,000/- towards future medical expenses. Considering the evidence of doctor – P.W.4, the claimant is entitled to future medical expenses in a sum of Rs.30,000/- as against Rs.25,000/- as awarded by the Tribunal. In view of the above, the claimant is entitled to total compensation under various heads as under:

SL.No.	Particulars of Heads	Amount in Rs.
i.	Medical expenses	37,430/-
ii.	Food and nourishment	2,500/-
iii.	Attendant charges	2,500/-
iv	Loss of income during laid up period	34,000/-
V	Conveyance charges	3000/-
Vi	Loss of income of future income	1,42,800/-
vii.	Future medical expenses	30,000/-
Vii	Pain & Sufferings	30,000/-
ix	Physical discomfort and loss of amenities of life	30,000/-
Total		Rs.3,12,230/-

12. The claimant is entitled to total compensation of Rs.3,12,230/- as against Rs.2,74,310/-



with interest at the rate of 6% per annum from the date of petition till realisation. Consequently, the claimant is entitled to enhanced compensation of Rs.37,920/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the enhanced compensation with interest.

13. 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.37,920/- with the 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 06 weeks from this day, failing which it is liable to pay interest at the rate of 9% per annum from this day till payment.



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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 20
Ct.sm