



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. 4393 OF 2026

(MV-I)

BETWEEN:

1. MR. ANZATH PASHA
S/O KHADAR BASHA
NOW AGED ABOUT 43 YEAR
RESIDING AT:
MADIKEHALLI VILLAGE
KOTHAGERE HOBLI
KUNIGAL TALUK
TUMAKURU DISTRICT-572 130.

...APPELLANT

(BY SRI B CHANDRASHEKHARAIHAH, ADVOCATE)

AND:

1. SRI GANESH K R
S/O RAJACHAR
MAJOR
(AGED OF R-.1 NOT KNOWN TO APPELLANT)
RESIDENT OF:
WARD No.3, BGS NAGARA
KUNIGAL TOWN
TUMKUR DISTRICT-572 130.
2. NATIONAL INSURANCE
COMPANY LTD.,
No.734, 14TH CROSS, 33RD MAIN
1ST PHASE, J P NAGARA





BENGALURU - 560 001.
BY ITS MANAGER

...RESPONDENTS

(BY SRI ASHOK KUMAR, ADVOCATE FOR R2
V/O DTD. 25.06.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:01/08/2025
PASSED IN MVC No.8671/2023 ON THE FILE OF THE 10TH
ADDL. SMALL CAUSES AND MOTOR ACCIDENT CLAIMS
TRIBUNAL., BENGALURU., 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 01.08.2025 passed in MVC
No.8671/2023 by X Additional Judge, Court of Small
Causes and Member MACT, Bengaluru (SCCH-16).

2. Even though the appeal is listed today for
orders/admission, it is taken up for disposal with the



consent of learned counsel for appellant and learned counsel for respondent No.2.

3. The appellant made a claim petition praying to award compensation for injuries sustained by him in a road traffic accident occurred on 30.11.2023, contending that the accident occurred due to the rash and negligent riding of the two wheeler bearing registration No.KA-06/HG-1157. The Tribunal after recording the evidence, appreciating the evidence on record has assessed the compensation and awarded compensation under various heads as under:

1.	Loss of future income	Rs.1,39,500-00
2.	Medical expenses	Rs.77,568-00
3.	Pain and sufferings	Rs.40,000-00
4.	Attendant charges	Rs.7,000-00
5.	Food and nourishment	Rs.5,600-00
6.	Conveyance expenses	Rs.3,000-00
7.	Loss of income during treatment period	Rs.31,000-00
8.	Loss of amenities	Rs.20,000-00
9.	Future medical expenses	Rs.20,000-00
Total		Rs.3,43,668-00

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



realization excluding interest on future medical expenses of Rs.20,000/-. The appellant seeking enhancement has filed the present appeal.

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

6. Learned counsel for the appellant would contend that the doctor/P.W.2 has stated that the disability of the claimant particular limb at 20% and the Tribunal has taken the disability at 5%. But the disability is to be taken to the whole body and it should be $\frac{1}{3}^{\text{rd}}$ of the disability of 20%. Therefore, the disability to be taken is 6.6% which is $\frac{1}{3}^{\text{rd}}$ of 20%. He further submits that the compensation awarded for pain and suffering, loss of amenities, loss of income during laid up period are on lower side. With these, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 – insurer would contend that the Tribunal has rightly taken the disability at 5%. Since the fracture sustained by the



claimant is united. The compensation awarded under other heads is just and proper. There are no grounds for enhancement of compensation.

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

9. P.W.2 is doctor who has examined the claimant and assessed disability at 20% of left upper limb and 7% physical disability to the whole body. The Tribunal has taken the disability at 5% to the whole body. The disability to the whole body at 7% as stated by P.W.2 – doctor is 1/3rd disability of left upper limb at 20%. Therefore, the Tribunal ought to have taken the said disability at 7%. Therefore, disability of the whole body is to be taken at 7%. The Tribunal has rightly taken the notional income of the claimant at Rs.15,500/- and multiplier 15. Considering the said aspect, loss of future income is calculated as under:

$$\text{Rs.15,500/-} \times 12 \times 15 \times 7\% = \text{Rs.1,95,300/-}$$



10. Considering the fact that the claimant is admitted in the hospital for 7 days, the compensation awarded for attendant charges, food and nourishment, conveyance is just and proper. The claimant has sustained fracture to the clavicle bone and therefore, compensation awarded for loss of income during laid up period for two months is just and proper. The claimant has sustained fracture of clavicle bone, the compensation awarded for pain and suffering and loss of amenities is just and proper. Considering above aspects, the compensation awarded on other heads is just and proper. The Tribunal has awarded loss of future income in a sum of Rs.1,39,500/-. Now this Court has held that the claimant is entitled to loss of future income in a sum of Rs.1,95,300/-. Therefore the claimant is entitled to enhanced compensation of Rs.55,800/- 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 said enhanced compensation with interest.



11. In view of the above, the following

ORDER

- i) The appeal is ***allowed in part.***
- ii) The claimant is entitled to enhanced compensation of Rs.55,800/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) The claimant is not entitled to interest for delay period of 209 days in filing the appeal.
- iv) Respondent No.2 -insurer shall deposit the enhanced compensation 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.
- v) The claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 18