



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL No. 6984 OF 2023 (MV-I)

BETWEEN:

1. CHANDRABABU
S/O MUNISWAMY CHETTI
NOW AGED ABOUT 29 YEARS
R/AT 67, LAKSHMI NIVASA
IJOOR RAMANAGARA

...APPELLANT

(BY SRI RANGEGOWDA N R, ADVOCATE)

AND:

1. THE MANAGER
S/O SKDRDP R
AGED MAJOR
OFF AT, KAILANCHA CHSC CENTRE
KAILANCHA HOBLI
RAMANAGARA.

2. THE MANAGER NATIONAL INS CO. LTD.,
No.2ND FLOOR, SHUBHARAM COMPLEX
144, MG ROAD
BANGALROE-560 001.

...RESPONDENTS

(BY SRI K N SRINIVASA, ADVOCATE FOR R2
V/O DATED 10.04.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.08.2023 PASSED IN MVC





No.807/2021 ON THE FILE OF THE XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, 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 claimant seeking enhancement of compensation awarded in judgment and award dated 05.08.2023 passed in MVC No.807/2021 by Motor Vehciles Accident Claims Tribunal, Bengaluru -(SCCH-17).

2. Even though the matter is listed today for admission, with the consent of both counsels, the matter is taken up for disposal.

3. The claimant has sustained fracture in road traffic accident took place on 05.12.202. The Tribunal appreciating evidence on record has assessed the compensation under different heads as under:

1.	Loss of future income	Rs. 5,91,600/-
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2.	Loss of income during the laid up period and one attendant charge	Rs. 48,300/-
3.	Conveyance charges	Rs. 25,000/-
4.	Pain and sufferings	Rs. 90,000/-
5.	Food nourishment, attendant charges and loss of amenities.	Rs. 60,000/-
6.	Medical bills	Rs. 14,50,984/-
7.	Future medical expenses	Rs. 20,000/-
	Total	Rs. 22,85,884/-

The accident and liability of respondent No.2 –insurer is not in dispute.

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

5. Learned counsel for the appellant would contend that the claimant has sustained fracture of left distal radius, right extensor tendon injury at the wrist, right distal femur fracture with right patella fracture. Considering the said aspect, P.W.2 –doctor has assessed the disability of the lower limb at 90% and whole body at 29%. The Tribunal ought to have taken disability at 29%. Since the disability is more than 29%, the claimant is entitled to future prospects. He further submitted that the injured is 27 years and therefore,



he is entitled to future prospects at 40%. On that point he placed reliance on the decision of the Co-ordinate Bench of this Court in the case of ***New India Assurance Company Limited Vs Abdul S/o Mehabok Tahsildar and Others***¹. With this, he prays to allow the appeal and enhancement of compensation.

6. Learned counsel for respondent No.2 -insurer submits that the Tribunal has awarded just and fair compensation under all heads.

7. Having heard learned counsels, this Court has perused impugned judgment, award and trial Court records.

8. Evidence of P.W.2 -the doctor and Ex.P13 and 14 indicate that the claimant has sustained left distal radius fracture, right extensor tendon injury at the wrist, right distal femur fracture with right patella fracture. P.W.2 -doctor has also stated that X-ray of right thigh and knee shows united fracture with implant in situ with grossly reduced right knee joint space. P.W.2 has assessed disability of lower limb at 90% and whole body at 29%. The claimant is aged about 27

¹ In MFA No.103807/2016 dated 27.05.2022



years. Considering the said aspect, the disability taken by the Tribunal at 20% is not proper. The Tribunal ought to have taken the disability at 29%. The Coordinate Bench of this Court in the case ***New India Assurance Company Limited (supra)*** has awarded future prospects where the disability is taken at 20%. Considering the said aspect, the claimant is entitled to future prospects at 40% since he is aged 27 years in view of the decision of the Hon'ble Apex Court in the case of National Insurance Company Vs Pranay Sethi and Ors. In view of the above, loss of future income is calculated as under:

Rs.14,500/- +40% =20,300/- x12x17x29% =
Rs.12,00,948/-

9. Considering the above, the appellant –claimant is entitled to enhanced compensation of **Rs.6,09,348/-** (Rs.12,00,948/- minus Rs.5,91,600/-) with interest at the rate of 6% per annum from the date petition till reliasation. In all other aspects, the order passed by Tribunal remains unaltered.



10. 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.6,09,348/-** 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, failing which it is liable to pay interest at the rate of 9% per annum from this day till payment of compensation amount.
- iv) The claimant is entitled to release of entire compensation amount.
- v) In all other aspects, the order passed by Tribunal remains unaltered.

Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 52