

(2026) 08 KAR CK 2126
In the Karnataka High Court, Bengaluru Bench
Case No : MFA No. 3291 of 2023

Sri. Nitin S

APPELLANT

Vs

The Oriental Insurance Company Ltd. & Anr.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

MV Act — Section 173(1)

Citation : (2026) 08 KAR CK 2126

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Sri Girimallaiah, Sri. A N Krishna Swamy

Final Decision : Partially allowed

Judgement

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 15.02.2023 passed in MVC No.3954/2021 by the XVI Additional Judge, Court of Small Causes, Bengaluru (SCCH-14).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of 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 him in a road traffic accident occurred on 16.12.2020 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-03-AE-8357. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded global compensation of Rs.1,00,000/- with 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.

4. Heard learned counsel for the appellant and learned counsel for respondent

No.1/insurer.

5. Learned counsel for appellant would contend that claimant sustained two injuries as per Ex.P5 - wound certificate. One is simple in nature and another is grievous in nature which is fracture of left proximal tibia. PW.2 is the treated Doctor and assessed the disability at 45% to the left lower limb and 15% disability to the whole body. The Tribunal has not awarded any compensation towards loss of future income. The accident occurred in the year 2020 and the notional income fixed for the said year is Rs.14,500/- p.m. Considering the said injuries sustained by the claimant, he is entitled to compensation under the heads of loss of amenities, attendant and conveyance charges. The claimant has been admitted in the hospital for 13 days. PW.2 - Doctor has stated that the claimant has to undergo surgery for removal of implants and expenses for the same is Rs.25,000/-. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.1/insurer would contend that disability stated by the Doctor is on higher side since the claimant has sustained one fracture. The compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

7. Having heard the learned counsel, the Court has perused the judgment and award.

8. The accident occurred on 16.12.2020 and as on the date of accident the claimant was aged 17 years and studying in II PUC. As per Ex.P5-wound certificate, the claimant has sustained abrasion over left leg region, swelling and tenderness over left leg and X-ray shows fracture of left Proximal Tibia. PW.2 is the treated Doctor who has assessed the disability and stated that claimant is having 45% disability to the left lower limb and 15% disability to the whole body. Considering that the claimant has sustained only one fracture, the disability is to be taken at 10% to the whole body. Considering the age of the claimant, multiplier applicable is '18'. The accident occurred in the year 2020 and the notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.14,500/-. In view of the above, the loss of future income is calculated as under:

$\text{Rs.14,500} \times 12 \times 18 \times 10\% = \text{Rs.3,13,200/-}$

9. Considering the injuries sustained by the claimant, he is entitled to pain and suffering in a sum of Rs.30,000/- and loss of amenities in a sum of Rs.20,000/-. As per Ex.P12 - medical bills, the claimant is entitled to medical expenses of Rs.35,621/- The claimant has been admitted in the hospital for 13 days and therefore, he is entitled to a sum of Rs.13,000/- (Rs.1,000 x 13 days) towards attendant and conveyance charges. PW.2 has stated that for removal of implants, the claimant has to undergo surgery and for the same Rs.25,000/- is required. Therefore, the claimant is entitled to future medical expenses of Rs.25,000/-.

10. In view of the above, the claimant is entitled to compensation under various

heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	3,13,200/-
02.	Pain and suffering	30,000/-
03.	Loss of amenities	20,000/-
04.	Medical expenses	35,621/-
05.	Future medical expenses	25,000/-
06.	Attendant and conveyance charges	13,000/-
	Total	4,36,821/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,36,821/- as against Rs.1,00,000/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.3,36,821/- 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.3,36,821/- with interest @ 6% p.a. from the date of petition till realization.

iii) Respondent No.1/insurer shall deposit the enhanced amount with interest within a period of six weeks from this day.

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