



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3698 OF 2025 (MV-I)

BETWEEN:

1. CHETHAN S,
S/O SRINIVASA V
AGED ABOUT 23 YEARS
R/AT THIPPENAHALLI VILLAGE,
KASABA HOBLI,
CHICKBALLAPUR TALUK.

...APPELLANT

(BY SRI. K VISHWANATHA.,ADVOCATE)

AND:

1. SMT B PADMAVATHI
W/O BOYA SHANKARAPPA,
H NO.1-124, BASAVANAGUDI VEEDI,
CHILMATHUR, ANATHAPUR DISTRICT,
ANDHRA PRADESH- 515 341.
2. THE MANAGER,
M/S.SBI GEN INS CO.LTD.
1ST FLOOR, 3/1, RUKMINI TOWERS,
PLATFORM ROAD, SHESHADRI PURAM,
BENGALURU- 560 020.

...RESPONDENTS

(BY SRI.B.PRADEEP.,ADVOCATE FOR R2,
VIDE ORDER DATED 11.02.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, PRAYING TO
MODIFY THE JUDGMENT AND AWARD DT. 13.11.2024 PASSED
IN MVC NO. 733/2023 ON THE FILE OF THE II ADDITIONAL
JUDGE AND ACJM, COURT OF SMALL CAUSES, BENGALURU





SCCH-13, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed against the award of the Tribunal in MVC No.733/2023 dated 13.11.2024. The injured/claimant, met with an accident on 16.12.2022 and filed claim petition claiming compensation of Rs.50,00,000/-. Tribunal considering the entire evidence on record, granted an amount of Rs.14,67,929/- with interest at the rate of 6% per annum from date of petition till realisation. Aggrieved by the said judgment and award, the appellant preferred this appeal and mainly contented that he was aged 22 years studying BCA and was also assisting his father in Agriculture, Sericulture, Milk vending and earning Rs.20,000/- per month and he sustained grievous injuries, underwent surgery and the doctor assessed the



permanent physical impairment due to head injury as 55-33% and he was suffering from headache and ear problem. But the Tribunal has taken the disability as 10% and The amount granted by Tribunal is meager. He was hospitalized for a period of 25 days in total. Hence, requested for enhancement of the compensation.

3. Learned counsel of respondent No.2 stated that Tribunal observed that after the accident he completed 4th and 6th semester examinations and there is only one subject due in 4th semester and 6th semester and thus, it has rightly taken the functional disability as 10% and it needs to be confirmed.

4. Though it is stated that petitioner was earning Rs.20,000/-, he has not filed any income proof. He met with an accident in the year 2022. His notional income is to be taken as Rs.15,500/- as per the chart prepared by Karnataka State Legal Services Authority. He was aged 22 years and the multiplier is '18'.



Appellant sustained the following injuries:

"Appellant sustained severe traumatic head injury, right acute SDH with diffuse edema and other injuries. PW.3/doctor stated that appellant was admitted in their hospital in two occasions and he underwent emergency right decompressive craniotomy with bone flap implantation in anterior abdominal wall and surgery to right autocranioplasty with bone flap removal abdomen. The doctor assessed disability has 55-33%."

It is stated that still he is suffering from headache and ear problem. He has physically improved but not mentally.

5. This Court finds it reasonable to take 1/3rd of 55%. That is 18% instead of 10%. Thus, 'loss of future earning capacity' comes to Rs.6,02,640/- (Rs.15,500 x 12 x 18 x 18%). The Tribunal granted Rs.8,47,709/- towards 'medical expenses' as per Ex.P18 medical bills and it is confirmed. Appellant was hospitalized for a total period of 25 days during different spans. Therefore, this Court finds it reasonable to grant an amount of Rs.75,000/- for 'pain and suffering' and Rs.30,000/- for 'loss of amenities' and Tribunal already granted Rs.40,000/- for 'transportation, extra nourishment and attendant charges'.



Tribunal granted 'loss of income during laid up period' for three weeks. But he was admitted in the hospital for 25 days and considering his nature of injuries, this Court finds that he might not have attended any other work at least for a period of four months. Therefore, Rs.62,000/- (Rs.15,500 x 4) is to be granted on the head of 'loss of income during laid up period'. Thus, in all components awarded by this Court are as below:

Sl. No.	Particulars	Amount (Rs.)
1.	Loss of future income	6,02,640/-
2.	Medical expenses	8,47,709/-
3.	Pain and sufferings	75,000/-
4.	Loss of amenities	30,000/-
5.	Transportation, food and nourishment, conveyance	40,000/-
6.	Loss of income during laid up period	62,000/-
	Total	16,57,349/-
	Tribunal awarded	14,67,929/-
	Enhanced amount	1,89,420/-



6. Therefore, the compensation is enhanced to **Rs.1,89,420/-** as against the compensation awarded by the Tribunal with interest at the rate of 6% per annum.

7. The insurance company already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation of Rs.1,89,420/- with interest at the rate of 6%.

8. In the result, I pass the following:

ORDER

- i. Miscellaneous First Appeal ***allowed in-part.***
- ii. Judgment and award dated 13.11.2024 passed in M.V.C. No.733/2023 on the file of the Motor Vehicles Accident Claims Tribunal, Bengaluru is modified;
- iii. The appellant-claimant is entitled for enhanced compensation of Rs.1,89,420/- along with interest at the rate of 6% per annum from the date of petition till the date of realisation;
- iv. The respondent No.2-Insurance Company is directed to deposit the enhanced compensation of Rs.1,89,420/- with interest



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at the rate of 6% per annum within one month from the date of this order;

- v. On such deposit, the appellant-claimant is permitted to withdraw the entire amount along with interest accrued on the same;

Sd/-
(P SREE SUDHA)
JUDGE

PKN
List No.: 1 SI No.: 50