



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4416 OF 2024 (MV-I)

BETWEEN:

SHREEYA M S
D/O M.S. SUDHAKARA.,
NOW AGED ABOUT 24 YEARS,
R/AT NO.18, SHIVA SHANKRA KRUPA,
NEAR POLICE STATION,
PATEL NANJUNDAPPA LAYOUT,
KOTHANUR, BANGALORE NORTH,
DR. SHIVARAMKARANTH NAGAR,
BANGALORE-560 077.

...APPELLANT

(BY SRI. RANGE Gowda N.R., ADVOCATE)

AND:

1. M/S UNITED INDIA INSURANCE COMPANY LTD
T.P. HUB, 6TH FLOOR,
KRISHI BHAVAN BUILDING,
HUDSON CIRCLE,
BANGALORE-560 027
REP. BY ITS LEGAL MANAGER
2. MR. MANJUNATH S.M.
S/O MUNIYAPPA,
AGED MAJOR,
R/AT NO.51, KADUSONAPPANAHALLI,





KANNUR POST,
BANGALORE - 562 149

...RESPONDENTS

(BY SRI. KRISHNA KISHORE S., ADVOCATE
VIDE ORDER DATED 23.02.2026,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.20.04.2024 PASSED IN
MVC NO.3089/2021 ON THE FILE OF THE XI ADDITIONAL
SMALL CAUSES AND ADDITIONAL MACT, 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 MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988, challenging the judgment and award dated 20.04.2024 passed in MVC No.3089/2021 by the XI Additional Small Causes Judge and ACMM, Court of Small Causes, Member, Motor Accident Claims Tribunal-12, Bengaluru (for short, 'the Tribunal') seeking enhancement of compensation.

3. The injured claimant met with an accident on 12.04.2021 and filed a claim petition claiming compensation of Rs.20,00,000/-. The Tribunal, after considering the entire evidence on record granted an amount of Rs.4,36,691/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said award, the claimant preferred this appeal, contending that the compensation awarded is inadequate and meagre amounts granted under the other heads. The claimant also requested that



the interest be granted at the rate of 9% and thus requested for enhancement.

5. The counsel of respondent contended that the Tribunal rightly considered all aspects and granted reasonable compensation. It is stated that she was working as an Assistant at Vinayaka Medico and earning Rs. 20,000/- per month, but has not provided any income proof. As she met with an accident in the year 2021, her notional income is to be taken as Rs.15,000/- per month, as per the charge prepared by the Karnataka State Legal Services Authority. The appellant was aged 20 years as per the Driving License (DL) and Aadhaar card and the applicable multiplier is '18'.

6. The appellant examined the doctor, who observed that the claimant sustained pain over left arm, difficulty in moving the left foot, and abrasion. There was no other significant past injury. According to the medical evidence, the appellant sustained following injures:



- i. An abrasion on the left foot measuring 3 X 2 cm,
- ii. An abrasion on the left arm measuring 4 X 3 cm,
- iii. Swelling and tenderness with restricted movement in the left shoulder joint, and
- iv. X-ray showed an AC joint dislocation in the left shoulder:

The petitioner underwent joint fixation with a hook plate, which was later removed under general anesthesia (G.A).

The doctor stated that the claimant complained of pain and weakness and was unable to get up and assessed the disability of the left arm at 23%, and the whole body as 10%. The Tribunal took the disability as 5% without any basis. This Court finds it reasonable to take the disability one-third of 29%, which amounts to 10%, instead of the 5% considered by the Tribunal. Thus, the loss of future earning capacity comes to Rs.15,000/- x 12 x 18 x 10% Rs.3,24,000/-.

7. The claimant was hospitalised for a period of 12 days and has incurred medical expenses amounting to



Rs.2,05,291/-, as per Ex.P-12-Medical bills produced on record and the said amount is confirmed.

8. Considering the nature of the injuries, the period of hospitalisation and other relevant factors, this Court finds it reasonable to grant Rs.50,000/- towards pain and suffering, Rs.25,000/- for loss of amenities and Rs.30,000/- towards transportation, extra nourishment and attendant charges. The appellant might not have attended any other work for a period of three months. Therefore, a sum of Rs.45,000/- is awarded for loss of income during laid-up period.

9. Thus, the compensation awarded by this Court is as follows:

Particulars	Amount in Rs.
Loss of future earning capacity	3,24,000.00
Pain and suffering	50,000.00
Loss of amenities	25,000.00
Transportation, extra nourishment and attendant charges	30,000.00
Medical expenses	2,05,291.00
Loss of income during laid up period	45,000.00
Total	6,79,291.00



2. In summary, the appellant/claimant is entitled to a total compensation of Rs.6,79,291/- as against Rs.4,36,691/- awarded by the Tribunal. The enhanced compensation works out to Rs.2,42,600/-. To this extent, the award passed by the Tribunal is modified.

3. In the result, pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 20.04.2024 passed in MVC No.3089/2021 by the XI Additional Small Causes Judge and ACMM, Court of Small Causes, Member, Motor Accident Claims Tribunal-12, Bengaluru, is hereby modified;
- iii. The appellant-claimant is entitled to enhanced compensation of Rs.2,42,600/-. (Rs.6,79,291/- minus Rs.4,36,691/-).



- iv. Respondent No.1/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.2,42,600/- with interest rate of 6% 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 it.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 Sl No.: 9