



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. 5478 OF 2025 (MV-I)

BETWEEN:

1. SRI SAMPATH B H
AGED ABOUT 23 YEARS,
S/O. BALEENDRAPPA C.K,
R/O. CHIKKAVALI VILLAGE,
UDRI POST, KASABA HOBLI,
SORABA TALUK, SHIVAMOGGA DISTRICT.
PIN CODE- 577429.

...APPELLANT

(BY SRI. CHIDAMBARA G S.,ADVOCATE)

AND:

1. SRI PRASANNA S P
AGED ABOUT 25 YEARS,
S/O. SHIVANANDAPPA T.H,
R/O. BIDARAGERI VILLAGE,
KASABA HOBLI,
SORABA TALUK,
SHIVAMOGGA DISTRICT-577429.
2. SRI. BALEENDRAPPA C.K,
AGED ABOUT 56 YEARS,
S/O. KERIYAPPA,
R/O. CHIKKAVALI VILLAGE, UDRI POST,
KASABA HOBLI, SORABA TALUK,





SHIVAMOGGA DISTRICT-577429.

3. DIVISIONAL MANAGER,
SHRIRAM GENERAL INSURANCE COMPANY LTD.,
B.H. ROAD,
SHIVAMOGGA-577201.

...RESPONDENTS

(BY SRI.B.PRADEEP., ADVOCATE FOR R3)

(R1 AND R2 ARE SERVED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.18.04.2024 PASSED IN MVC NO.290/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT-XIII, SORABA, 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 challenging the judgment and award dated 18.04.2024 passed in MVC No.290/2023, passed in common judgement and award in MVC.No.289/2023 , MVC.No.290/2023 and MVC.No.292/2023 by the Senior



Civil Judge and JMFC., and Additional MACT., XIII Soraba (hereinafter referred to as 'the Tribunal' for short) seeking enhancement of compensation.

3. Injured - claimant met with an accident on 12.11.2022 and filed claim petition claiming compensation of Rs.10,80,000/-. The tribunal considering the entire evidence on record granted Rs.1,26,382/- with interest at the rate of 6% per annum from date of petition till realisation.

4. Aggrieved by the said award, he preferred an appeal and mainly contended that no amount is granted under the loss of amenities and the amounts granted under the other heads are meager and thus requested for enhancement of the compensation and also stated that the rate of interest is to be increased.

5. As per Ex.P142 - wound certificate, appellant/claimant has sustained multiple fracture injury to rib and injury to right hemopneumothorax and sustained lung contusion.



6. He incurred Rs.84,382/- towards medical expenses as per Ex.P144 to Ex.P192. The Tribunal has granted the said amount and it needs no interference. He was hospitalized for 10 days. Therefore, this Court finds it reasonable to grant an amount of Rs.30,000/- for pain and suffering and Rs.20,000/- for loss of amenities, Rs.30,000/- for transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work at least for a period of 2 months. Therefore, as the accident occurred in the year, 2022 his notional income is to be taken as ₹ 15,500/-. Loss of income during laid-up period comes to Rs.31,000/-.

7. The total compensation comes to Rs.84,382/- +Rs.30,000/- + Rs.20,000/-+ Rs.30,000/- + Rs.31,000/- = Rs.1,95,382/-.

8. Thus, in all, the claimants are entitled for the following compensation:



SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Towards pain and sufferings	30,000.00
2.	Towards medical expenses	84,382.00
4.	Loss of amenities	20,000.00
5.	Transportation, extra nourishment and attending charges	30,000.00
7.	Loss of future earning capacity	31,000.00
	TOTAL	1,95,382/-

9. The Tribunal has awarded the compensation of Rs.1,26,382/- but the appellant/claimant is entitled to total compensation of Rs.1,95,382/-. Compensation is enhanced from Rs.1,26,382/- to Rs.1,95,382/-.

10. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The judgment and award passed by the Tribunal in MVC No.290/2023 dated 18.04.2024, passed in common judgment and award in MVC.No.289/2023, MVC.No.290/2023 and MVC.No.292/2023 by the



Senior Civil Judge and JMFC., and Additional MACT., XIII Soraba is hereby modified holding that the claimant is entitled for total compensation of Rs.1,95,382/- along with interest @ 6% p.a.

- iii. Insurance company/respondent No.3 already deposited the award amount of Rs.1,26,382/- before the tribunal. Therefore, the Insurance Company is directed to deposit the enhanced compensation of Rs.69,000/- with interest at the rate of 6% p.a. within 1 month from the date of this order. On such deposit, appellant/claimant is permitted to withdraw the entire amount along with interest on the said amount.
- iv. Appellant is not entitled for interest for delay of 331 days as per the order in IA.No.1/2025 dated 23.02.2026.
- v. Ordered accordingly.

Sd/-
(P SREE SUDHA)
JUDGE