



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. 7606 OF 2024 (MV-I)

BETWEEN:

SRI JOYAL K TONY
S/O TONY JACOB
AGED ABOUT 24 YEARS
R/AT KARIKKATTIL
THAMBALAMANNA POST
THIRUVAMABEDI
THAMBALAMANA
KOZHIKODE
KERALA-673603

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE

V/O DATED 23.02.2026, NOTICE TO R1 DISPENSED WITH)

AND:

1. SRI PARI R V
S/O VELMURUGAN G
MAJOR
R/AT NO 18, AKSHAY NAGAR
1ST BLOCK 2ND CROSS
KAUDENAHALLI EXTENSION
BANGALORE-10
2. THE MANAGER
ICICI LOMBARD GENERAL INSURANCE CO LTD
OFFICE AT NO 121 9TH FLOOR
THE ESTATE





DICKENSON ROAD
F M KARIYAPPA COLONY
BANGALORE-42

...RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADVOCATE FOR R2;
V/O DATED 23.02.2026 NOTICE TO R1 is D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 22.03.2024 PASSED IN MVC
NO. 1265/2020 ON THE FILE OF THE VII ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, MEMBER, MACT-3, COURT OF
SMALL CAUSES, BENGALURU, 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 22.03.2024
passed in MVC No.1265/2020 by the VII Additional SCJ



and ACMM, Member, MACT-3, Bengaluru (for short, 'the Tribunal') seeking enhancement of compensation.

3. The injured claimant met with a road traffic accident on 06.09.2019 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.2,93,134/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the appellant has preferred the present appeal contending that the amounts granted under various heads are meager and therefore seeks enhancement of compensation.

5. The appellant was studying V Semester BBA when he met with an accident. However, in the cross - examination, he himself admitted that he is working as Associate Chart support at Southernland Company and getting a salary of Rs.23,000/- per month.

6. He further stated that the injuries have healed but he still experiences pain. PW-2, the doctor, in his



medical evidence, stated that the injuries have healed and that the claimant is capable of performing desk job.

7. The appellant sustained the following injuries:

"Crush injury of the left great toe at the IP joint and crush injury to the skin and soft tissue of the left foot. The petitioner/appellant complains of inability to wear footwear, squat, sit cross-legged, severe pain, and loss of sensation over the dorsum of the foot. On examination, it is noticed that there is amputation of the great toe."

8. The doctor assessed the disability of the left lower limb at 24% and 11% to the whole body. The Tribunal has rightly considered one-third 24% i.e., 8% disability to the whole body, which does not call for interference.

9. The Tribunal has granted a sum of Rs.2,14,617/- under the head 'loss of future income'. Learned counsel for the appellant submitted that the income has to be taken as per the chart prepared by the



Karnataka State Legal Services Authority and that the same requires enhancement. On the other hand, learned counsel for the respondent submitted that the claimant himself admitted that he is continuing in the job and therefore he is not entitled for any amount under the said head. However, no appeal has been preferred by the Insurance Company. This present appeal is filed by the appellant for seeking enhancement of compensation, injuries sustained by him will definitely have impact on his work. Therefore, this Court finds it reasonable to take the notional income at Rs.14,000/- as per the chart and to calculate the 'loss of future income' as Rs.2,41,920/-. (Rs.14,000/- x 12 x 18 x 8%).

10. Though the appellant stated that he incurred Rs.55,928/-, towards medical expenses, the Tribunal granted Rs.37,517/- and the same is confirmed.

11. Considering the nature of injuries, this Court finds it reasonable to grant Rs.50,000/- towards 'pain and suffering', Rs.25,000/- towards 'loss of amenities' and



Rs.30,000/- towards 'transportation, extra nourishment and attendant charges'.

12. The appellant might not have attended any other work at least for a period of three months. Therefore, the 'loss of income during laid-up period' is Rs.42,000/- (Rs.14,000x3 months).

13. The Tribunal has not granted any future medical expenses on the ground that the implants have already been removed and no further surgery is required.

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

Particulars	Amount in Rs.
Loss of future earning capacity	2,41,920.00
Pain and suffering	50,000.00
Loss of amenities	25,000.00
Transportation, extra nourishment and attendant charges	30,000.00
Medical expenses	37,517.00
Loss of income during laid up period	42,000.00
Total	4,26,437.00

15. In summary, the appellant/claimant is entitled to a total compensation of Rs.4,26,437/- as against



Rs.2,93,134/- awarded by the Tribunal. The enhanced compensation works out to Rs.1,33,303/-. To this extent, the award passed by the Tribunal is modified.

16. In the result, pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 22.03.2024 passed in MVC No.1265/2020 by the VII Additional SCJ and ACMM, Member, MACT-3, Bengaluru is hereby modified;
- iii. The appellant-claimant is entitled to enhanced compensation of Rs.1,33,303/-. (Rs.4,26,437/- minus Rs.2,93,134/-) with interest at the rate of 6% per annum from the date of petition till its realization.
- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance



Company is directed to deposit enhanced compensation of Rs.1,33,303/- 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.
- vi. The appellant is not entitled for interest for 124 days delay period as per order in I.A.No.1/2024 dated 23.02.2026.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 Sl No.: 14
CT-SG