



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8489 OF 2024 (MV-I)

BETWEEN:

SRI.N.K.JANARDHANA
S/O D N KEMPAIAH,
AGED ABOUT 38 YEARS,
R/AT NO. 92, 1ST MAIN ROAD,
D GROUP LAYOUT,
NEAR VEERABHADRESHWARA TEMPLE,
LINGADIRANAHALLI,
BENGALURU NORTH,
BENGALURU- 560 091

...APPELLANT

(BY SRI. RAMESH K R., ADVOCATE)

AND:

1. THE MANAGER
IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.,
SHRI SHANTHI TOWERS,
NO. 141, 5TH FLOOR, 3RD MAIN,
EAST OF NGEF LAYOUT,
KASTURINAGAR,
BENGALURU- 560 043.
2. MR. MARLEY ISSAC
S/O ISSAC,
R/AT NO. 9, OLD NO. 1/3, 7TH CROSS,
OPP RAGHAVENDRA TEMPLE,
JAI BHARATH NAGAR,





BENGALURU NORTH,
MARUTHI SEVANAGAR,
BENGALURU- 560 033.

3. Mr. MARLEY ISSAC,
S/O ISSAC,
R/AT NO. 9, OLD NO. 1/3,
7TH CROSS, OPP. RAGHAVENDRA TEMPLE.
JAI BHARATH NAGAR,
BENGALURU NORTH,
MARUTHI SEVANAGAR,
BENGALURU- 560 033.

...RESPONDENTS

(BY SRI. HEGDE SUBRAYA VENKATARAMAN., ADVOCATE FOR
R1; V/O DTD 05.02.2026, NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.19.10.2024 PASSED IN MVC
NO.2267/2023 ON THE FILE OF THE III ADDITIONAL JUDGE
AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU,
(SCCH-18), 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

1. Heard the arguments on both sides.
2. This appeal is filed against the judgment and award
of the Tribunal in MVC No.2267/2023 dated 19.10.2024, in
which claimant met with an accident on 14.02.2023 and



filed claim petition claiming compensation of ₹ 15,00,000/- and the Tribunal considering the entire evidence on record granted ₹92,763/- with interest at the rate of 6% per annum from the date of petition, till realization. Aggrieved by the said order, the appellant is before this Court seeking enhancement of compensation.

3. It is stated that the appellant was inpatient for five days. He spent more than ₹ 2,00,000/- towards medical and incidental expenses. But, the Tribunal has granted meager amounts under the head medical expenses and also under the other heads. He was working as a Project Manager at Cognizant Technologies Solutions India Pvt. Ltd. and was earning ₹ 1,82,419/- per month. But, the Tribunal has taken his income only as ₹ 16,000/- per month which is on the lower side. Therefore, requested for enhancement. As per Ex.P10, he was diagnosed with right side multiple fractures of ribs and needs four weeks rest and advised not to travel for four weeks. But the Tribunal has not considered all the aspects. He sustained injury to



back side, chest region and right great toe. The petitioner examined the medical record officer at G.M.Hospital and authorization letter, MLC extract, inpatient case sheet are marked.

4. As per the discharge summary dated 19.02.2023, he sustained the following injuries:

(1) Lacerated wound on right great toe.

(2) Abrasion on back with swelling and redness at back.

5. X-ray report shows for right side multiple ribs, CVA done, which shows total count and severe pain, focal contusion, fracture of right side ribs.

6. The counsel of the respondent stated that petitioner sustained only simple injuries and the Tribunal already granted reasonable amounts and it needs no interference.

7. Perusal of the record shows that he also sustained fracture injuries and was treated in the hospital. Even in



the wound certificate, it was stated as per Ex.P5, petitioner sustained the above injuries and it is stated that injuries are simple in nature. The counsel of the appellant stated that he was hospitalized for a period of five days. Though he stated that he took rest for two months, he has not filed any leave record to substantiate his position. Tribunal observed that he has not filed any pay slip, but he filed his Company offer letter at Ex.P11 and as per the offer letter, he was getting a gross salary of ₹1,82,419/- Considering the discharge summary and other medical records filed before the Court, which are marked through PW2, this Court finds it reasonable to grant an amount of ₹ 50,000/- for pain and suffering, ₹ 25,000/- for loss of amenities, ₹ 30,000/- for transportation and attending charges. Considering his occupation and income, this Court finds it is reasonable to grant an amount of ₹ 50,000/- for loss of income during treatment. The total compensation comes to ₹ 1,55,000/-. The compensation is



enhanced from ₹ 92,763/- awarded by the Tribunal to ₹ 1,55,000/-.

8. Thus, in all, the claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Pain and suffering	50,000
2.	Loss of amenities	25,000
3.	Transportation and attendant charges	30,000
4.	Loss of income during treatment period	50,000
Total		1,55,000

9. The Tribunal has awarded the compensation of Rs.92,763/-, but the appellant/claimant is entitled to total compensation of Rs.1,55,000/-. Therefore, the appellant/claimant is entitled to enhanced compensation of **Rs.62,237/-** (Rs.1,55,000/- - Rs.92,763/-).

11. The Insurance Company has already deposited the award amount before the Tribunal. Hence, respondent No.1-Insurance Company is directed to deposit the enhanced compensation of **Rs.92,763/-** before the



Tribunal with interest at the rate of 6% p.a., from the date of petition till realization.

12. Accordingly, I proceed to pass the following:

ORDER

(i) The appeal is ***allowed-in-part***.

(ii) The impugned judgment and award dated 19.10.2024 passed in M.V.C.No.2267/2023 by the III Additional Judge and MACT, Court of Small Cuases, Bengaluru (SCCH-18) is hereby modified holding that the appellant/claimant is entitled for enhanced compensation of **Rs.62,237/-** along with interest at the rate of 6% per annum from the date of claim petition till realization.

(iii) Respondent No.1-Insurance Company is directed to deposit the enhanced compensation amount of **Rs.62,237/-** along with interest at the rate of 6% per annum, before the Tribunal, within a period of one month from the date of this judgment.



(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.

(v) Draw award accordingly.

Sd/-
(P SREE SUDHA)
JUDGE

GH
List No.: 1 Sl No.: 14