



CNR: KAHC010026262022

NC: 2026:KHC:46270
MFA No. 509 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 509 OF 2022 (MV-I)

BETWEEN:

MARIGOWDA
S/O LATE SANNEGOWDA
AGED ABOUT 56 YEARS,
R/O MADABALU VILLAGE
ALUR TALUK,
HASSAN DISTRICT-57 3201

...APPELLANT

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. CHETHAN B, ADVOCATE)

AND:

1. SRINIVAS M S
S/O MEGARAJ NAIK
MAJOR
R/O #47 NARACHI,
HORABAILL
SORABA TALUK-577 429
SHIVAMOGGA DISTRICT
2. THE MANAGER
UNITED INDIA INSURANCE CO.LTD
RAJAJINAGARA



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BENGALURU-560 010

...RESPONDENTS

(BY SRI. C. SHANKARA REDDY, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19.04.2021 PASSED IN MVC NO. 199/2016 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, HASSAN, 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 MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.2,28,000/- awarded by the Tribunal, is in appeal.
2. The fact that the accident occurred and the further fact that the in the said accident the claimant sustained injuries is not in dispute.
3. The Tribunal, on assessment of evidence, has awarded the following sums as compensation:



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Sl. No.	Particulars	Amount in (Rs.)
1.	Towards pain and sufferings	50,000
2.	Towards medical expenses	57,191
3.	Towards diet, food, nourishment, attendant and conveyance charges	15,000
4.	Loss of earning capacity due to disability	51,840
5.	Loss of income during laid up period	24,000
6.	Towards loss of amenities	15,000
7.	For future medical expenses	15,000
	Total	2,28,031
	Rounded off to	2,28,000

4. The Tribunal, on analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 6% to the whole body.

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate. The same depicts that the claimant has suffered following injuries:

- i. Abrasion over right knee



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- ii. Sutured wound over right 3rd toe
- iii. Sutured lacerated wound over left big toe
- iv. Fracture of right Patella.

6. Since the Doctor has assessed the disability to the right lower limb at 19% and considering the nature of injuries suffered by the claimant, I deem it just and appropriate to consider the disability at 7%. Accordingly, the disability suffered by the claimant would be at 7%.

7. The Tribunal has determined the monthly income, notionally at Rs.8,000/- per month. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2015, would be Rs.9,000/-.

8. As the claimant was aged 59 years, the Tribunal has rightly applied a multiplier of '9'. Consequently, the claimant would be entitled to a sum of **Rs.68,040/-** (9,000 x 12 x 9 x



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7%) towards '*loss of future income*' as against the sum of Rs.51,840/- awarded by the Tribunal.

9. Consequently, the claimant would be entitled to **Rs.27,000/-** (Rs.9,000 X 3 months) towards '*loss of income during the laid up period*', treating the laid up period as three months.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.30,000/-** towards '*loss of amenities*', as against the sum of Rs.15,000/- awarded by the Tribunal.

11. The sum awarded as medical expenses at **Rs.57,191/-** being based on the documentary evidence, do not call for modification and hence confirmed.

12. The sums awarded under other heads of compensation by the Tribunal, remains unaltered.

13. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:



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Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Towards pain and sufferings	50,000	50,000
2.	Towards medical expenses	57,191	57,191
3.	Towards diet, food, nourishment, attendant and conveyance charges	15,000	15,000
4.	Loss of earning capacity due to disability	51,840	68,040
5.	Loss of income during laid up period	24,000	27,000
6.	Towards loss of amenities	15,000	30,000
7.	For future medical expenses	15,000	15,000
	Total	2,28,031	2,62,231
	Rounded off to	2,28,000	

14. Thus, the claimant is held entitled to the total compensation of **Rs.2,62,131/-** as against Rs.2,28,000/-, the enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till its realization.



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15. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

16. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

The appeal is accordingly ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 8