



CNR: KAHC010028872021

NC: 2026:KHC:47240
MFA No. 1147 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1147 OF 2021(MV-I)

BETWEEN:

SANTOSH KUMAR R
AGED ABOUT 40 YEARS
S/O LATE RAMA CHANDRU
R/AT C/O SURESH GOSEGOWDA STREET
S.R. PATNA TTOWN
MANDYA DISTICT 571 401

...APPELLANT

(BY SRI. MANJUNATH N.D, ADVOCATE)

AND:

1. P.K SHIVARAMA
AGED ABOUT 53 YEARS
S/O LATE KALEGOWDA
R/AT NO.9, E & F BLOCK
RAMAKRISHNA NAGARA, MYSORE-570 022

2. THE MANAGER
UNITED INSURANCE CO LTD
NEAR SATHYAGRAHA SOUDHA
BANGALORE MYSORE ROAD,
SHIVAPURA, MADDURU
MANDYA DISTICT-571 401

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2,
VIDE ORDER DATED 07.06.2022, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.28.03.2019 PASSED IN MVC
NO.299/2018 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND MACT, SRIRANGAPATNA, PARTLY ALLOWING THE

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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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

The claimant, being dissatisfied with the compensation of
Rs.5,05,920/- awarded by the Tribunal in MVC No.299/2018
dated 28.03.2019, is in appeal.

2. The fact that the accident occurred and further fact
that the offending vehicle was insured are not in dispute.

3. The Tribunal, on assessment of evidence, has
awarded the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain, shock and agony	30,000
2.	Medical expenses	2,02,920
3.	Food, diet, nourishment, conveyance and other incidental expenses	17,000
4.	Loss of income during treatment period	15,000
5.	Loss of income towards permanent disability	2,16,000
6.	Towards future medical expenses	10,000



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7.	Disappointment and discomfort and loss of amenities	15,000
	Total	5,05,920

4. The Tribunal, on an analysis of medical evidence, has concluded that the claimant has suffered disability to the extent of 16% to the whole body. Having regard to the injuries suffered by the claimant and having regard to the assessment of disability of the claimant by the Doctor-PW.2 at 46% to the whole body, I deem it just and appropriate to assess the disability of the claimant at 20%.

5. The Tribunal has determined the monthly income of the claimant, notionally at Rs.7,500/-. 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 2018, would be Rs.12,500/-.

6. Since the claimant had suffered 20% disability and is aged about 38 years, 40% future prospects requires to be added to the said income, which would be Rs.17,500/- (12,500 + 40%).



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7. As the claimant was aged 38 years, the Tribunal has rightly applied a multiplier of '15'. Consequently, the claimant would be entitled to a sum of **Rs.6,30,000/-** (17,500 x 12 x 15 x 20%) towards '*loss of future income*' as against the sum of Rs.2,16,000/-.

8. Having regard to the injuries suffered by the claimant, I deem it just and appropriate to award a sum of **Rs.60,000/-** towards '*pain, shock and agony*' as against Rs.30,000/- awarded by the Tribunal.

9. As a consequence, the amount of Rs.10,000/- awarded by the Tribunal towards '*future medical expenses*' would also stand enhanced to **Rs.25,000/-**.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would also be entitled to a sum of **Rs.40,000/-** as against Rs.15,000/- towards '*disappointment and discomfort and loss of amenities*'.

11. As a consequence, the amount of Rs.15,000/- awarded by the Tribunal towards '*loss of income during laid up period*' would also stand enhanced to **Rs.27,500/-** (12,500 X 3 months) treating the laid period as three months.



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12. The sums awarded as '*medical expenses*' at **Rs.2,02,920/-**, being based on documentary evidence, do not call for modification and hence confirmed.

13. The sum awarded under the head '*food, diet, nourishment, conveyance and other incidental expenses*' remain unaltered.

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

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Pain, shock and agony	30,000	60,000
2.	Medical expenses	2,02,920	2,02,920
3.	Food, diet, nourishment, conveyance and other incidental expenses	17,000	17,000
4.	Loss of income during treatment period	15,000	27,500
5.	Loss of income towards permanent disability	2,16,000	6,30,000
6.	Towards future medical expenses	10,000	25,000
7.	Disappointment and discomfort and loss of amenities	15,000	40,000
	Total	5,05,920	10,02,420



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15. Thus, the claimant is held entitled to the total compensation of **Rs.10,02,420/-** as against Rs.5,05,920/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization. The appellant-claimant is not entitled for interest for the delayed period of 273 days in filing this appeal.

16. 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.

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

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

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 2