



CNR: KAHC010038232020

NC: 2026:KHC:45222
MFA No. 3352 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3352 OF 2020(MV-I)

BETWEEN:

SRI AZARUDDIN @ BHADRUDDIN
S/O ABBAS
AGED ABOUT 28 YEARS,
R/O DILDAR STREET
VIJAYAPURA EXTENSION
CHIKKAMAGALURU - 577 101

...APPELLANT

(BY SRI. A.K. BHAT, ADVOCATE FOR
SRI. SATISH R GIRJI, ADVOCATE)

AND:

1. ABBAS H
S/O HAJIYABBA
AGED ABOUT 61 YEARS
R/O DILDAR STREET
VIJAYAPURA EXTENSION
CHIKKAMAGALURU - 577 101
2. M/S UNITED INDIA INSURANCE COMPANY LTD.,
THOGARIHANKAL CIRCLE,
CHIKKAMAGALURU - 577 101

...RESPONDENTS

(BY SRI. B.C.SEETHARAMA RAO, ADVOCATE FOR R2,
R1 - SERVED AND UNREPRESENTED)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15.10.2019 PASSED IN MVC NO. 185/2017 ON THE FILE OF THE M.A.C.T. AND IST ADDITIONAL SENIOR CIVIL JUDGE, JMFC, CHIKKAMAGALURU, 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.5,24,678/- awarded by the Tribunal vide judgment and award dated 15.10.2019 passed in MVC.No.185/2017, is in appeal.
2. The fact that the accident occurred and the 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:



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Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and sufferings	50,000
2.	Attendant, food and extra nourishment	8,700
3.	Towards medical bill	3,65,978
4.	Towards disability	1,00,000
	Total	5,24,678

4. The Tribunal has not awarded any compensation on the head of future loss of income. Though the Tribunal has discussed in respect of disability sustained by the injured in paragraph No.18(d) of the impugned judgment, however, the Tribunal has not awarded any compensation on the head of future loss of income.

5. On careful perusal of evidence of CW.1 - Doctor and Exs.C1 to C5, the doctor has deposed that the claimant - injured sustained neurobehavioral disability to the extent of 20% and the other disability at 20.22%. Thus, the total disability would be 40.22%. CW.1 is the doctor who has not treated the injured immediately after the accident, however, he treated him subsequently and issued a certificate after a few



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months. However, the doctor has categorically stated in his evidence that the claimant sustained neurobehavioral disability at 20%. Considering the evidence of CW.1 and Exs.C1 to C5, I deem it just and proper to assess the disability at 22% to the whole body.

6. Since the claimant failed to produce any authenticated document to prove his monthly income, it is prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2012, would be Rs.7,000/-.

7. Since the claimant has suffered 22% disability and is aged about 21 years, 40% future prospects requires to be added to the said income, which would be Rs.9,800/- (7,000/- + 40%). Thus, the income of the claimant would be **Rs.9,800/-**.

8. As the claimant was aged 21 years, the appropriate multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.4,65,696/-** (9,800 x 12 x 18 x 22%) towards '*loss of future income*'.



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9. Consequently, the claimant would be entitled to **Rs.21,000/-** (7,000 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 injuries suffered by the claimant and its lasting effect, the claimant would be entitled to a sum of **Rs.75,000/-** towards '*pain and suffering*' as against Rs.50,000/- awarded by the Tribunal and a sum of **Rs.50,000/-** towards '*loss of amenities*'.

11. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'Attendant, food and extra nourishment' at **Rs.15,000/-** as against the sum of Rs.8,700/- awarded by the Tribunal.

12. The sum awarded as medical expenses at **Rs.3,65,978/-** being based on the documentary evidence, do not call for modification and hence confirmed.

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.	Pain and sufferings	50,000	75,000
2.	Attendant, food and extra nourishment	8,700	15,000
3.	Towards medical bill	3,65,978	3,65,978
4.	Towards disability	1,00,000	--
5.	Towards loss of future income	---	4,65,696
6.	Loss of income during laid up period	---	21,000
7.	Loss of amenities	---	50,000
	Total	5,24,678	9,92,674

14. Thus, the claimant is held entitled to the total compensation of **Rs.9,92,674/-** as against Rs.5,24,678/-. The enhanced compensation shall carry 6% interest per annum from the date of petition till its realization.

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.



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

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

CR/List No.: 1 SI No.: 1