



CNR: KAHC010043302022

NC: 2026:KHC:41617
MFA No. 727 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 727 OF 2022 (MV-I)

BETWEEN:

SHASHIKUMAR @ A.H SHASHIKUMAR
S/O. HUCCHEGOWDA,
AGED ABOUT 46 YEARS
R/AT NO. 232, I FLOOR,
1ST MAIN ROAD, 7TH BLOCK,
KORAMANGALA, BANGALORE 95

...APPELLANT

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE)

AND:

1. SOUBHAGYA LAKSHMI K R
W/O. JAYAPRAKASH M N,
NO. 301/2,
NEAR KUMVENPU COLLEGE,
MALLASANDRA,
T. DASARAHALLI,
BANGALORE-57
2. NATIONAL INSURANCE CO LTD
NO. 144, 2ND FLOOR,
SHUBRAM COMPLEX,
M.G ROAD,
BENGALURU-560 001

...RESPONDENTS

(BY SRI. SHIVARAJ PATIL, ADVOCATE FOR R2,
NOTICE TO R1 IS DISPENSED WITH)

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 DT.17.07.2021 PASSED IN MVC NO.7705/2018 ON THE FILE OF THE 12TH ADDITIONAL AND ACMM, MACT, BENGALURU, (SCCH-8), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, 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.5,79,347/- awarded by the Tribunal in MVC No.7705/2018 dated 17.07.2021, 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:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of future income	90,720
2.	Pain and sufferings	1,00,000
3.	Medical expenses	2,34,627
4.	Loss of amenities	40,000
5.	Loss during laid down period	54,000



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6.	Food, nourishment and travel expenses	20,000
7.	Future medical expenses	40,000
TOTAL		5,79,347

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

5. I have perused the evidence of PW.3-Doctor and the wound certificate/disability certificate. The same depicts that the claimant has suffered following injuries:

- i. Tenderness over servical spine, C-7 sinous process fracture
- ii. Swelling over left shoulder, left scapula spine fracture
- iii. Puncture wound over right forearm with deformity both bone fracture right forearm
- iv. Swelling and deformity over right knee, both bones fracture right leg
- v. Tenderness over chest, multiple rib fracture and bilateral lung contusions
- vi. Multiple abrasions of vangang dimension over face, left upper limb and lower limb, pelnis; right inferior public ramus fracture



6. Since the Doctor has assessed the disability at 27% to the whole body, the Tribunal has considered the disability to the whole body at 6%. Having regard to the nature of the injuries sustained by the claimant and having perused the medical records and the evidence of PW.3-Doctor, I deem it appropriate to assess the disability of the claimant at 17% to the whole body.

7. The Tribunal has determined the monthly income of the claimant at Rs.9,000/-. 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/-.

8. As the claimant was aged 42 years, appropriate multiplier would be '14'. Accordingly, the compensation towards '*loss of future income*' works out to **Rs.3,57,000/-** (Rs.12,500 x 12 x 14 x 17%).



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9. The sums awarded by the Tribunal under remaining heads, being based on documentary evidence, are just and proper.

10. 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 this Court (Rs.)
1.	Loss of future income	3,57,000
2.	Pain and sufferings	1,00,000
3.	Medical expenses	2,34,627
4.	Loss of amenities	40,000
5.	Loss during laid down period	54,000
6.	Food, nourishment and travel expenses	20,000
7.	Future medical expenses	40,000
TOTAL		8,45,627

11. Thus, the claimant is held entitled to the total compensation of **Rs.8,45,627/-** as against Rs.5,79,347/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization.



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

The amount in deposit, if any, shall be transmitted to the Tribunal.

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

Pending I.As., if any, stand disposed of.

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

HKV
List No.: 1 Sl No.: 10