



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1024 OF 2022(MV-I)

BETWEEN:

MR. MANJUNATH S
S/O SRINIVASA L
AGED ABOUT 26 YEARS,
R/O YADAVANAHALLI (V) & (P)
ATTIBELE HOBLI
ANEKAL TALUK -562 107

...APPELLANT

(BY SRI. KRISHNA VENKATRAMAN NAIK, ADVOCATE)

AND:

1. V NARENDRA BABU
S/O SRI VENKATARAMANAPPA
MAJOR
R/O NO.642, 3RD CROSS
SURYANAGARA, CHANDAPURA (P)
ANEKAL TQ, ATTIBELE HOBLI
BENGALURU

(OWNER OF AUTORICKSHAW
NO.KA-51-A-3353)
2. THE MANAGER
IFCO TOKIO GENERAL INSURANCE CO LTD
NO.141, 4TH FLOOR, 3RD MAIN
SHREE OF NGEF LAYOUT
KASTURINAGAR

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

BENGALURU-43

...RESPONDENTS

(BY SRI. E.I. SANMATHI, ADVOCATE FOR R2,
VIDE ORDER DATED 15.03.2024, NOTICE TO R1 IS
HELD SUFFICIENT)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.25.11.2021 PASSED IN MVC
NO.6882/2018 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSES, MEMBER, PRL. MACT, BENGALURU, (SCCH-1),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, 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.11,78,208/- awarded by the Tribunal in MVC No.6882/2018
dated 25.11.2021, is in appeal.

2. The fact that the accident occurred and the further
fact that claimant suffered injuries in the said accident are not
in dispute.

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



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and suffering	1,00,000
2.	Medical expenses	1,00,608
3.	Food and nourishment and attendant charges	10,000
4.	Transportation charges	5,000
5.	Loss of income during laid up period	27,000
6.	Loss of future income due to disability	7,77,600
7.	Loss of amenities	1,00,000
8.	Future medical expenses	50,000
	Total	11,78,208

4. The Tribunal while awarding the compensation towards disability has assessed functional disability of the claimant at 40% by considering the evidence of PW.2-Doctor and gravity of the injuries sustained by the claimant. PW.2-Doctor has categorically stated that the claimant has suffered amputation of right leg below knee.

5. I have carefully perused Ex.P5-Wound Certificate and Ex.P7-Discharge Summary, which depict the claimant sustained fracture of both bones of right leg with exfix insitu with failed vascular repair with mid shaft femur fracture with extensor tendon injury with 5th metacarpal fracture right hand,



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

below knee guillotine amputation right lower limb on 06.05.2016, right 5th MC fixation with extensor tendon split repair right forearm, raw area SSG thenar laceration suturing on 09.05.2016, removal of exfix right femur + stump closure right below knee on 09.05.2016.

6. Considering the nature of the injuries and evidence of PW.2, Ex.P5-Wound Certificate, Ex.P7-Discharge Summary, medical records and photographs produced by the claimant before this Court, it is clear that the claimant has suffered amputation of right leg below knee, hence, I deem it appropriate to assess the disability of the claimant at 75% instead of 40% as assessed by the Tribunal.

7. The Tribunal has determined the monthly income, notionally 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 2016, would be Rs.9,500/-.



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

8. Since the claimant has suffered 75% disability and is aged about 22 years, 40% future prospects requires to be added to the said income, which would be Rs.13,300/- (9,500 + 40%).

9. As the claimant was aged 22 years, the Tribunal has rightly applied a multiplier of '18'. Consequently, the claimant would be entitled to a sum of **Rs.21,54,600/-** (13,300 x 12 x 18 x 75%) towards '*loss of future income*' as against the sum of Rs.7,77,600/-.

10. The claimant has suffered 75% physical disability, which has permanently impaired his prospects of marriage. Having regard to the nature and extent of the disability, I deem it just and appropriate to award a sum of **Rs.3,00,000/-** towards '*loss of marriage prospects*'.

11. As a consequence, the amount of Rs.50,000/- awarded by the Tribunal towards '*future medical expenses*' would also stand enhanced to **Rs.1,00,000/-**.

12. Having considered the medical bills at Exs.P10 and P12 produced by the claimant, I deem it appropriate to award a



CNR: KAHC010065072022

NC: 2026:KHC:42047
MFA No. 1024 of 2022

sum of **Rs.1,08,608/-**, towards '*medical expenses*' as against Rs.1,00,608/- awarded by the Tribunal.

13. The sums awarded under the heads '*pain and suffering*', '*food, nourishment, attendant charges and transportation charges*', '*loss of income during laid up period*' and '*loss of amenities*' 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 and sufferings	1,00,000	1,00,000
2.	Medical expenses	1,00,608	1,08,608
3.	Food and nourishment and attendant charges	10,000	15,000
	Transportation charges	5,000	
4.	Loss of income during laid up period	27,000	27,000
5.	Loss of future income due to disability	7,77,600	21,54,600
6.	Loss of amenities	1,00,000	1,00,000
7.	Marriage prospects	-	3,00,000
8.	Future medical expenses	50,000	1,00,000
	Total	11,78,208	29,05,208



NC: 2026:KHC:42047
MFA No. 1024 of 2022

CNR: KAHC010065072022

15. Thus, the claimant is held entitled to the total compensation of **Rs.29,05,208/-** as against Rs.11,78,208/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

16. The Insurance Company is directed to make good the entire payment to the claimant within six weeks from the date of receipt of a certified copy of this judgment and is at liberty to recover the same from respondent No.1-owner of Auto Rickshaw bearing registration No.KA-51-A-3353.

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

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

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

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 7