



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.2164 OF 2019(MV-I)

BETWEEN:

KRISHNA NAIK,
S/O RAMA NAIK,
AGED ABOUT 47 YEARS,
R/A GANDHINAGARA,
KOTESHWARA POST,
KUNDAPURA TALUK,
UDUPI DIST.

...APPELLANT

(BY SRI. NAGARAJA HEGDE, ADVOCATE (NOC))

AND:

Digitally signed
by AASEEFA
PARVATHEN
Location: HIGH
COURT OF
KARNATAKA

1. PRAKASH NAIK
S/O KARUNAKARA NAIK,
AGED ABOUT 30 YEARS,
R/O BAYARBETTU,
CHERKADI VILLAGE,
UDUPI DISTRICT.
2. IFFCO TOKIO GENERAL INSURANCE CO LTD
1ST FLOOR, SHARADA COMPLEX,
MAIN ROAD, KUNDAPURA,
BY ITS AUTHORIZED OFFICER.

...RESPONDENTS

(SRI. MURALIDHAR NEGAVAR, ADVOCATE FOR R2;



R1 IS SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10/09/2018, PASSED IN MVC NO.652/2017, ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI (SITTING AT KUNDAPURA), 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Nagaraja Hegde, learned counsel for the appellant as well as Sri.Muralidhar Negavar, learned counsel for respondent No.2.

2. Challenge in this appeal is the award that is passed by the Motor Accident claims Tribunal, Udupi sitting at Kundapura in MVC No.652/2017 dated 10.09.2018. This is a claimant's appeal.



3. The appellant, on the ground that he sustained grievous injuries in a road traffic accident that occurred in the year 2017 and became permanently and completely disabled to work, filed petition claiming compensation of Rs.29,95,000/- in total. The Tribunal through the impugned order held that he is entitled to a sum of Rs.4,88,240/- as compensation. The version of the appellant is that he is entitled to a higher sum.

4. Learned counsel for the appellant submits that appellant was hit by polio in his childhood and thus he became physically challenged. He met with an accident in the year 2017. As on the date of accident, the appellant was working on contract basis at Village Panchayath, Brahmavara Special Tahsildar Office, Udupi Taluk and was earning Rs.15,000/- per month. Appellant sustained fracture of left femur and other injuries. Also, the injuries sustained resulted in amputation of left little finger. But without considering the nature of injuries sustained and the disability to work, Tribunal awarded meager sum as



compensation. That apart, no amount is awarded as compensation towards loss of future earnings. Therefore, this appeal is filed.

5. Learned counsel for respondent No.2 on the other hand states that exorbitant amount was awarded as compensation by the Tribunal. Appellant himself, when he was examined as Pw.1, during the course of cross-examination admitted that he continued same job even after the date of accident. Therefore, it is clear that there is no loss of future earnings. Learned counsel also states that appellant failed to produce any proof that he took treatment as inpatient. Without there being any basis, Tribunal apart from granting a sum of Rs.5,400/- towards loss of earnings during treatment period, granted a sum of Rs.72,000/- towards bed rest. Thus there are no grounds in the appeal.

6. The Tribunal held that appellant is entitled to a sum of Rs.1,00,000/- for pain and suffering, Rs.1,82,840/-



towards medical expenses, Rs.30,000/- towards future medical expenses, Rs.5,400/- towards loss of earnings during treatment, Rs.72,000/- towards bed rest, Rs.75,000/- towards loss of comfort, Rs.15,000/- towards conveyance, nourishment and attendant charges and Rs.8,000/- towards the expenditure incurred for repair of the vehicle. Thus, the Tribunal awarded a sum of Rs.4,88,240/- as compensation.

7. As the appellant himself admitted that he was attending the same job even after the accident, as rightly contended by learned counsel for respondent No.2, appellant is not entitled for any compensation towards loss of future earnings. Taking care of the discomfort which the appellant would face due to the injuries sustained and the resultant disability in attending his work, Tribunal granted a sum of Rs.75,000/- towards loss of comforts. As rightly contended by learned counsel for respondent No.2, though there is no evidence to show that appellant took bed rest for 8 months, Tribunal awarded compensation for loss of



earnings during laid up period totaling to Rs.72,000/-. Also a justifiable sum of Rs.1,00,000/- is granted as compensation for the pain and suffering, Rs.30,000/- towards future medical expenses and Rs.15,000/- for conveyance, nourishment and attendant charges. Therefore, this Court is of the view that there are no grounds for further enhancement.

8. Hence, the appeal is disposed of with the following:

ORDER

The appeal is *dismissed*.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE