



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1395 OF 2022(MV-I)

BETWEEN:

MRS. GANGAMMA
W/O. MR. NAGENDRAPPA,
AGED ABOUT 50 YEARS,
COOLIE WORK,
KODIAHNAHATTY,
CHITRADURGA TALUK-577 501.

...APPELLANT

(BY SRI. K SHASHIKANTH PRASAD, ADVOCATE)

AND:

1. MR. G. S. JAGADEESH
S/O. MR. SATHYANARAYANAPPA @
SATHYANARAYANA REDDY,
KADABANAKATTE,
CHITRADURGA-577 501.

2. THE BRANCH MANAGER
ORIENTAL INSURANCE CO. LTD.,
SHARADA COMPLEX,
FIRST FLOOR,
OPP KSRTC BUS STAND,
CHITRADURGA-577 501.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2,
R1 - SERVED)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.08.2017 PASSED IN MVC NO. 987/2015 ON THE FILE OF THE 1ST ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT-IV, CHITRADURGA, 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

The claimant, being dissatisfied with the compensation of Rs.1,64,679/- awarded by the Tribunal, vide judgment and award dated 17.08.2017 in MVC No.987/2015 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 earnings	60,840
2.	Medical expenses	58,839
3.	Nourishment and miscellaneous expenses	15,000
4.	Pain, injuries and sufferings	10,000



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

5.	Loss of amenities, enjoyment of life and discomforts	20,000
	Total	1,64,679

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered disability to the extent of 10% to the whole body.

5. I have perused the evidence of the Doctor-PW.2 and the wound certificate/disability certificate. The same depicts that the claimant has suffered moderate head injury, closed right humerus shaft fracture.

6. Since the Doctor has assessed the physical disability at 34% to the right upper limb, the Tribunal has assessed the disability at 10% to the whole body. Having regard to the nature of the injuries sustained by the claimant, I deem it appropriate to assess the disability of the claimant at 12%.

7. The Tribunal has determined the monthly income of the claimant notionally at Rs.3,000/-. Since there is no credible documentary evidence to ascertain the actual monthly income,



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

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 2015 would be Rs.9,000/-.

8. As the claimant was aged 50 years, a multiplier of '13' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,68,480/-** (9,000 X 12 X 13X 12%) towards '*loss of future income*'.

9. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.50,000/-** towards '*pain and suffering*' as against Rs.10,000/- awarded by the Tribunal.

10. Having regard to the injuries sustained, length of stay and treatment taken in the Hospital by the claimant, I deem it appropriate to award a sum of **Rs.27,000/-** towards '*loss of income during the laid up period*' (Rs.9,000 X 3 months) considering the laid up period as three months.

11. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

Rs.30,000/- towards loss of '*amenities*', as against the sum of Rs.20,000/- awarded by the Tribunal.

12. The sum awarded as '*medical expenses*' at **Rs.58,839/-**, being based on documentary evidence, do not call for modification and hence confirmed.

13. The sum awarded under the head '*nourishment and miscellaneous 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.	Loss of future earnings	60,840	1,68,480
2.	Medical expenses	58,839	58,839
3.	Nourishment and miscellaneous expenses	15,000	15,000
4.	Pain, injuries and sufferings	10,000	50,000
5.	Loss of amenities, enjoyment of life and discomforts	20,000	30,000
6.	Loss of income during laid up period	-	27,000
	TOTAL	1,64,679	3,49,319



CNR: KAHC010097952021

NC: 2026:KHC:42609
MFA No. 1395 of 2022

15. Thus, the claimant is held entitled to the total compensation of **Rs.3,49,319/-** as against Rs.1,64,679/- along with 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 831 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.***

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

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

HKV
List No.: 1 Sl No.: 20