



CNR: KAHC010112002022

NC: 2026:KHC:47159
MFA No. 2299 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2299 OF 2022(MV-I)

BETWEEN:

MR SULAIMAN NISSAR
S/O ABDUL RAZAK NANDAVARA
AGED ABOUT 36 YEARS
R/AT NANDAVARA HOUSE
PANEMAGNALURU
SAJIPAMUNNUR VILLAGE
BANTWAL
PRESENTLY R/A C/O USMAN MALIK
SEVEN STAR SEA FOODS
SOUTH WARF, BUNDER,
MANGALURU

...APPELLANT

(BY SRI. GURUPRASAD B.R, ADVOCATE)

AND:

1. UNITED INDIA INSURANCE COMPANY LTD
SALDANHA BUILDING
BRIDGE ROAD, BALMATTA
MANGALURU-575 002
REPRESENTED BY ITS MANGER
2. MR. ABDUL JABBAR
S/O AMMUNHI BEARY

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PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AGED 51 YEARS
R/AT DOOR NO 2-186
NANDAVARA MANE
SAJIPA MUNNUR VILLAGE
PANEMANGALURU
BANTWAL TALUK-574 231

...RESPONDENTS

(BY SRI. Y.P VENKATAPATHI, ADVOCATE FOR R1,
R2 NOTICE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.08.2021 PASSED IN MVC NO.95/2018 ON THE FILE OF THE MEMBER, MACT-III AND II ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K.MANGALURU, 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.6,83,000/- awarded by the Tribunal, is in appeal.
2. The fact that the accident occurred and the further fact that the offending vehicle was insured is 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.	Injury, pain and sufferings	35,000
2.	Medical expenditure	2,61,451
3.	Food, nourishment, conveyance and attendant charges	48,000
4.	Loss of future income due to permanent physical disability	2,81,472
5.	Loss of amenities	25,000
6.	Future medical expenses	32,000
	Total	6,82,923
	Rounded off to	6,83,000

4. The Tribunal has rightly assessed the disability based on the evidence of PW.2-Doctor, the Wound Certificate at Ex.P5 and the Disability Certificate at Ex.P11. The said documents disclose that the claimant has sustained 22% disability to the left lower limb. One-third of the said disability works out to 7.33%, which, on rounding off, comes to 8%. Accordingly, the permanent disability sustained by the claimant is reassessed at 8%.

5. The Tribunal has taken the income of the injured at Rs.20,000/- per month. It could be gathered from records, at the time of accident the claimant was working as an accountant



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at UAE. Further, Ex.P18 depicts that he had completed diploma in Computer Applications and also passed the examination of diploma (D.Ed) conducted by the Karnataka Secondary Education Examination Board. The salary certificate of the injured produced at Ex.P8 issued by the General Manager one Ali Salem A. Ghurab, which reveals that the injured was working at Zam Two General Trading at Abu Dhabi, UAE and drawing a salary of 5,000/- AED. Nevertheless, Ex.P10 - the statement of account for the month of January 2017 to June 2017, reveals that 5,000/- AED credited to the account of injured. The accident was caused in the month of July 2017. No doubt the claimant has not examined the employer to prove his job and income. However, without any contrary evidence to discredit the documents produced at Exs.P8 and P10 coupled with the evidence of PW.1 - claimant, there is no reason to discard these documents. It is submitted by the learned counsel for the claimant that as on 2017 one AED is equivalent to Rs.16/-. Since, the claimant was earning 5,000/- AED per month which is equivalent to Rs.80,000/- per month. Since the claimant was working at UAE, 50% of his income has to be



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considered for personal expenses. As such, it is prudent to take the income of the claimant at **Rs.40,000/-** per month for the calculation of compensation.

6. As the claimant was aged 32 years, the Tribunal has rightly applied a multiplier of '16'. Consequently, the claimant would be entitled to a sum of **Rs.6,14,400/-** ($40,000 \times 12 \times 16 \times 8\%$) towards '*loss of future income*'.

7. Consequently, the claimant would be entitled to **Rs.1,20,000/-** ($\text{Rs.}40,000 \times 3 \text{ months}$) towards '*loss of income during the laid up period*', treating the laid up period as three months.

8. Having regard to the injuries suffered by the claimant and its lasting effect, the claimant would be entitled to a sum of **Rs.70,000/-** towards '*pain and suffering*' as against Rs.35,000/- and **Rs.50,000/-** towards loss of amenities, as against the sum of Rs.25,000/- awarded by the Tribunal.

9. The sum awarded as medical expenses at **Rs.2,61,451/-** being based on the documentary evidence, do not call for modification and hence confirmed.



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10. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

11. 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.	Injury, pain and sufferings	35,000	70,000
2.	Medical expenditure	2,61,451	2,61,451
3.	Food, nourishment, conveyance and attendant charges	48,000	48,000
4.	Loss of future income due to permanent physical disability	2,81,472	6,14,400
5.	Loss of amenities	25,000	50,000
6.	Future medical expenses	32,000	32,000
7.	Loss of income during laid up period	---	1,20,000
	Total	6,82,923	11,95,851
	Rounded off to	6,83,000	



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12. Thus, the claimant is held entitled to the total compensation of **Rs.11,95,851/-** as against Rs.6,83,000/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

13. 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.***

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

CR
List No.: 1 Sl No.: 6