



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.4188/2020 (MV-I)

BETWEEN:

SRI. MANOHAR .S
S/O SHIVANNA
AGED 17 YEARS
MINOR, REP. BY GUARDIAN
FATHER BY NAME SHIVANNA
S/O DODDAIAH
AGED ABOUT 47 YEARS
R/AT. BADIGONDANAHALI
DODDERI HOBLI, MADHUGIRI TALUK
TUMAKURU DISTRICT 577501.

...APPELLANT

(BY SMT. SWATHI HEGDE, ADV., FOR
SRI. SATHISHA T, ADV.,)

AND:

1. SRI. VENKATESH .G
S/O SHIVANNA
AGED ABOUT 37 YEARS
R/O. NO.4, 3RD FLOOR
NAGAMMA LAYOUT, NEAR IP CHURCH
CHOKKASANDRA, DASARAHALLI
BENGALURU-560057.
2. THE UNITED INDIA INSURANCE COMPANY LTD
REP/BY MANAGER OFFICE
JAYADEVA COMPLEX

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:36053-DB
M.F.A. No.4188/2020

B.H.ROAD, TUMAKURU.

NOW REPRESENTED BY
THE REGIONAL MANAGER
THE UNITED INDIA INSURANCE COMPANY LTD.,
REGIONAL OFFICE, NO.44/45
LEO SHOPPING COMPLEX
RESIDENCE ROAD, BENGALURU-560001.

...RESPONDENTS

(BY SRI. RAVISHANKAR A, ADV., FOR R2
NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
MODIFY THE JUDGMENT AWARD DATED 20.01.2020 IN MVC
NO.710/2018 PASSED BY THE COURT OF PRL. SENIOR CIVIL
JUDGE & MACT AT MADHUGIRI AND ENHANCE THE
COMPENSATION AWARD AMOUNT & ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the injured claimant
challenging the judgment and award dated 20.01.2020
passed in MVC.No.710/2018 by the Principal Senior Civil
Judge and MACT at Madhugiri (for short 'the Tribunal').



2. Smt.Swathi Hegde, learned counsel appearing for Sri.Sathisha T., learned counsel for the appellant submits that the appellant met with a road accident on 11.03.2018. At the time of the accident, he was aged about 15 years old and was studying in the first year of the pre-university course. The Tribunal, considering the evidence, awarded meagre compensation of Rs.2,91,000/- without assessing loss of future income due to disability. Hence, she seeks enhancement of compensation by assessing the notional income of the injured, by considering the disability suffered by him and by awarding compensation under the head of loss of future income due to disability. It is submitted that the award of compensation by the Tribunal under the head of food, nourishment, conveyance and attendant charges is also on the lower side; hence, she seeks to enhance the same appropriately by taking into account the evidence that the injured was an inpatient for a period of 6 days in the hospital and underwent surgery. It is further submitted



that the Tribunal has failed to award any compensation under the head of loss of income of the parent during the treatment period as well as post-treatment period. Hence, she seeks for appropriate enhancement of compensation by allowing the appeal.

3. Per contra, Sri.Ravishankar A., learned counsel appearing for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the Tribunal considering the decisions of the Hon'ble Supreme Court has awarded just compensation in case of an injured minor. It is submitted that the injured minor cannot seek compensation under the head of loss of future income due to disability. Hence, he seeks to dismiss the appeal.

4. We have heard the arguments of the learned counsel for the appellant, the learned counsel for respondent No.2 and meticulously perused the material available on record including the Tribunal records.



5. The point that arises for consideration in this appeal is:

"Whether the judgment and award passed by the Tribunal calls for any interference?"

6. The above point is answered in the affirmative for the following reasons:

a. The respondent/Insurance Company does not dispute that the appellant met with a road accident on 11.03.2018, while he was walking on the left side of the road near Mallenahalli-Gollarahatti cross. At that time, the rider of the motorcycle bearing Reg.No.KA-04-JH-8822 rode the vehicle in a rash and negligent manner, dashed the appellant and caused grievous injuries. The material on record indicates that the appellant was initially shifted to the Government Hospital, Tumakuru. Thereafter, he was provided treatment at Hemavathi Hospital, Tumakuru, where he remained as an inpatient from 11.03.2018 to 16.03.2018. In order to substantiate the claim petition, the father of the appellant was examined as PW1,



Dr.Prasad M. Gowda was examined as PW2 and got marked Ex.P1 to Ex.P18. The respondent did not adduce any evidence. The Tribunal, after appreciating the evidence on record has partly allowed the claim petition and awarded a total compensation of Rs.2,91,000/- along with interest at the rate of 6% per annum from the date of petition till realisation on the amount of Rs.2,51,000/- since the compensation of Rs.40,000/- awarded under the head of future medical expenses does not carry interest.

b. A perusal of the oral evidence of the father of the injured and PW2 - the doctor clearly indicates that the appellant, who was a minor at the time of the accident, sustained fractures of left knee ankle and right hip joint. The evidence of PW2, the discharge summary at Ex.P11 and the wound certificate at Ex.P6 indicate that the appellant has suffered 20% physical disability to the whole body. Considering the said aspect and keeping in mind the law laid down by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari***



and Another¹, we are of the view that the compensation is required to be reassessed by considering the notional income of the injured. For easy reference paragraph Nos.9 and 15 of the aforesaid decision is extracted herein below:

*"9. The aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in *Kajal v. Jagdish Chand and Ors*², and *Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr*³*

15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income

¹ 2025 INSC 1070

² (2020) 4 SCC 413

³ 2024 SCC Online SC 3692



necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law."

c. Keeping in mind the enunciation of law laid down by the Hon'ble Supreme Court in the aforesaid decision, We are of the considered view that the income of the minor must be notionally assessed and the appropriate multiplier to be applied for determining the compensation. Admittedly, the appellant was aged about 15 years and the accident is of the year 2018. Considering these factual matrix, the income of the appellant is notionally assessed at Rs.12,500/- per month by placing reliance on the notional income chart prepared by the Karnataka State Legal Services Authority (KSLSA). The Hon'ble Supreme Court in the aforesaid decision has applied a multiplier of 18, wherein the injured was aged about 8 years. Therefore, applying the multiplier of 18 and considering the disability of the injured appellant at 20% to the whole



body, the compensation under the head of loss of future income due to disability is assessed as under:

$$12,500 \times 12 \times 18 \times 20\% = \textbf{Rs.5,40,000/-}$$

7. The Tribunal has awarded Rs.1,00,000/- towards the pain and suffering, Rs.98,000/- towards the medical expenses and Rs.40,000/- towards the future medical expenses, which remains unaltered. It is to be noticed that the appellant, who was a minor at the time of the accident, remained as an inpatient for a period of 6 days and required continued treatment even after discharge from the hospital. Considering the said aspects, we are of the view that the award of compensation under the head of conveyance, food, nourishment and attendant charges is meagre. Hence, it would be appropriate to award Rs.15,000/- under the head of food, nourishment, conveyance and attendant charges.

8. The Tribunal has failed to award any compensation towards the loss of income during the laid-up period. Considering the fact that the injured was a



minor and his father was an attendant during the hospitalisation period and post hospitalisation period as well, hence it would be appropriate to award Rs.37,500/- (Rs.12,500 x 3) towards the loss of income of PW1 during the laid-up period of the injured appellant. However, the claimant would be entitled to Rs.30,000/- under the head of loss of amenities and the award of Rs.50,000/- under the head of inconvenience and discomfort by the Tribunal would not arise. Having assessed the income and disability of the appellant, considering the nature of injuries suffered and the treatment provided to the appellant, the appellant would be entitled to the modified compensation as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	1,00,000
Medical expenses	98,000
Loss of amenities	30,000
Loss of income to PW1 during the period of taking treatment by minor appellant	37,500
Loss of future income due to disability	5,40,000
Towards conveyance, attendant charges, food and nourished food	15,000
Future medical expenses	40,000
Total	8,60,500



Thus, the appellant-claimant shall be entitled to total compensation of **Rs.8,60,500/-** as against Rs.2,91,000/- awarded by the Tribunal.

9. Insofar as the interest awarded on the enhanced compensation amount is concerned, the same is required to be awarded at 9% in view of the decision of this Court in the case of ***Sri.Bimal Gogai and Another v. The Managing Director, Bengaluru Metropolitan Transport Corporation⁴***.

10. In the result, this Court proceeds to pass the following:

ORDER

- a) Appeal stands ***allowed in part***.
- b) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to total compensation of

⁴ WP.No.10401/2018 and connected matter dated 09.06.2026



Rs.8,60,500/- as against
Rs.2,91,000/- awarded by the
Tribunal.

- c) The enhanced compensation amount shall carry interest at the rate of 9% per annum from the date of petition till the date of payment.
- d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- e) The judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.



- f) Registry shall transmit the records to
the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 9