



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3307 OF 2023

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 1377 OF 2025

(MV-I)

IN MFA No. 3307/2023

BETWEEN:

UNITED INDIA INSURANCE CO. LTD.,
BY ITS BRANCH OFFICE
SHRI LAXMI NARASIMHA COMPLEX
OPP. TO KSRTC DEPTO
N.H 66, VADERHOBOLI, KUNDAPURA
DIVISIONAL OFFICE, JEWEL PLAZA
1st FLOOR, MARUTHI VEETHIKA UDUPI
REP. BY DIVISIONAL MANAGER
PIN CODE - 576 101.

...APPELLANT

(BY SRI BENNI RAVISH CHANDRASHEKAR, ADVOCATE)

AND:

1. N. HARISH
AGED ABOUT 39 YEARS
S/O NARASIMHA MARAKALA
R/O THODKATTU



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

PARAMBALLI VILLAGE
UDUPI TALUK AND DISTRICT
REP. BY GUARDIAN SMT. LALITHA
AGED ABOUT 53 YEARS,
W/O SRINIVASA
H.No. 1/24, HEGADTHI ONI ROAD
PARAMBALLI VILLAGE AND POST
BRAHMAVARA TALUK
UDUPI DISTRICT - 576 225.

2. WILMA JULIET D'SOUZA
AGED ABOUT 50 YEARS
W/O PETRICK LEWIS
R.O LOURDS COLONY
MANOOR VILLAGE AND POST
UDUPI TALUK AND DISTRICT -576 221.

...RESPONDENTS

(BY SRI K PRASANNA SHETTY, ADVOCATE FOR R1
V/P DTD. 08.06.2023, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:05.11.2022
PASSED IN MVC No.113/2019 ON THE FILE OF THE PRINCIPAL
SENIOR CIVIL JUDGE AND ADDITIONAL MACT, CJM, UDUPI,
AWARDING COMPENSATION OF Rs.7,80,000/- WITH INTEREST
AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE
DATE OF DEPOSIT OF THE COMPENSATION AMOUNT BEFORE
THE TRIBUNAL.

IN MFA No. 1377/2025

BETWEEN:

N HARISH
AGED ABOUT 41 YEARS
S/O NARASIMHA MARAKALA
R/AT THODKATTU, PARAMBALLI VILLAGE



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

UDUPI TALUK
UDUPI DISTRICT – 576 225.

REPRESENTED BY GUARDIAN
SMT. LALITHA
AGED ABOUT 55 YEARS
W/O SRIIVASA, H No.1/241
HEGGADTHI ONI ROAD
PARAMPALLI VILLAGE AND POST
BRAHMAVARA TALUK
UDUPI DISTRICT – 576 225.

...APPELLANT

(BY SRI K PRASANNA SHETTY, ADVOCATE)

AND:

1. WILMA JULIET D'SOUZA
AGED ABOUT 47 YEARS
W/O PETRICK LEWIS
R/O. LOURDS COLONY
MANOOR VILLAGE AND POST
UDUPI TALUK
UDUPI DISTRICT – 576 221.
2. UNITED INDIA INSURANCE CO. LTD.,
BY ITS BRANCH MANAGER
BRANCH OFFICE, SRI LAXMI NARASIMHA COMPLEX
OPP: KSRTC DEPOT, N H 66
VODERHALLI, KUNDAPURA – 576 201.

...RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 28.07.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:05.11.2022
PASSED IN MVC No.113/2019 ON THE FILE OF THE PRL.
SENIOR CIVIL JUDGE AND ADDITIONAL MACT, UDUPI, PARTLY



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.3307/2023 is filed by insurer challenging the quantum of compensation and MFA No.1377/2025 is filed by claimant seeking enhancement of compensation awarded in judgment and award dated 05.11.2024 passed in MVC No.113/2028 by Principal Senior Civil Judge and CJM, Udupi.

2. Even though appeals are listed today for admission, they are taken up for disposal with the consent of learned counsels for parties.

3. The claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 03.05.2018 contending that the accident occurred due to rash and negligent



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

driving of the driver of motor cycle bearing registration No.KA-20/EL-4119. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering including mental agony	Rs.20,000/-
02.	Loss of future earnings due to disability	Rs.5,76,000/-
03.	Medical expenses	Rs.1,37,304/-
04.	Conveyance charges nourishment, nutritious food and attendant charges	Rs.15,000/-
05.	Loss of amenities and unhappiness	Rs.15,000/-
6.	Loss of income during the period of inpatient for 40 days	Rs.13,333.20
Total compensation awarded		Rs.7,76,637.20 Rounded of to Rs.7,80,000/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed insurer to deposit the award amount with interest. The insurer has filed appeal challenging quantum



NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

of compensation and the claimant has filed appeal seeking enhancement of compensation.

5. Heard learned counsel for insurer and learned counsel for claimant.

6. Learned counsel for the insurer would contend that the claimant has sustained fracture of tibia and fibula of right leg and P.W.3 -doctor who has examined him and stated that he is having 32% disability to the right lower limb. The Tribunal has erred in taking the disability to the whole body at 32%. The Tribunal ought to have taken the disability at 1/3rd of the disability to the limb.

7. Learned counsel for claimant would contend that the occupation of the claimant is coolie. Considering the said occupation, the Tribunal has rightly taken the disability at 32% to the whole body. The compensation awarded towards pain and suffering, loss of amenities, attendant and conveyance charges, loss of income during laid period are on lower side. He further submits that the



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

notional income fixed for the year 2018 is Rs.12,500/- per month and the said income is to be taken as against Rs.10,000/- as taken by the Tribunal. With this, he prayed to allow the appeal filed by the claimant.

8. Having heard learned counsels, the Court has perused impugned judgment, award and trial Court records.

9. The accident occurred on 03.05.2018 and the claimant was aged 36 years as on the date of accident. The multiplier applicable for the said age is '15' and it is rightly applied by the Tribunal. The claimant has sustained fracture of tibia and fibula of right leg and considering the same, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.15,000/- is enhanced to Rs.50,000/-. The claimant has been admitted in hospital for 40 days and considering the same, the claimant is entitled to attendant and conveyance charges, food and nourishment etc., in a sum of



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

Rs.40,000/- (Rs.1,000/- x 40days) as against Rs.15,000/- as awarded by the Tribunal. The claimant's occupation is coolie and considering the fractures sustained by him, he has to take rest at least for 04 months. Therefore, he is entitled to loss of income during laid up period of 04 months in a sum of Rs.50,000/- (Rs.12,500/- x 4months) as against Rs.13,333.20/- as awarded by the Tribunal. The notional income fixed by Karnataka State Legal Service Authority for the year 2018 is Rs.12,500/- and the said notional income is to be taken as against Rs.10,000/- as taken by the Tribunal. P.W.3 in his evidence has stated that implant has been fixed to the claimant. Considering the said aspect, the claimant has to undergo for surgery for removal of implant and therefore, he is entitled to future medical expenses of Rs.30,000/-.

10. P.W.3 is a doctor, who has examined the claimant, assessed his disability and stated that the claimant is having 32% disability to right lower limb. There is disability to the limb and as it is lower limb, $\frac{1}{3}^{\text{rd}}$ of the



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

same is to be taken as disability to the whole body. Therefore, disability to be taken to the world body is 11% (1/3rd of 32%) as against 32% as taken by the Tribunal. In view of the above, loss of future income due to disability is calculated as under:

$$\text{Rs.}12,500/- \times 12 \times 15 \times 11\% = \text{Rs.}2,47,500/-.$$

11. In view of the above, the claimant is entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and Suffering	60,000/-
02.	Medical Expenses	1,37,304/-
03.	Attendant and conveyance charges	40,000/-
04.	loss of amenities	50,000/-
05.	loss of future income	2,47,500/-
06.	loss of income during laid up period	50,000/-
07.	Future Medical Expenses	30,000/-
Total		6,14,804/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.6,14,804/- as against Rs.7,80,000/- as awarded by the Tribunal with interest at the interest of 6% per annum from the date of petition till



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

realization. The appellant -insurer is liable to pay the said enhanced compensation with interest. The claimant is not entitled to interest for delay period of 740 days in filing the appeal as per order dated 28.07.2026 passed on IA No.1/2025 in MFA No.1337/2025.

12. In view of the above, the following:

ORDER

- i) Both appeals are ***allowed in part.***
- ii) The appellant -claimant is entitled to total compensation of Rs.6,14,804/- as against Rs.7,80,000/- as awarded by the Tribunal with interest at the interest of 6% per annum from the date of petition till realization.
- iii) The claimant is not entitled to interest for the delay period of 740 days in filing appeal.
- iv) The insurer shall deposit the enhanced compensation with interest before the



CNR: KAHC010242412023

NC: 2026:KHC:50402
MFA No. 3307 of 2023
C/W MFA No. 1377 of 2025

Tribunal within a period of six weeks from
this day including amount already deposited.

- v) The amount in deposit is ordered to be
transmitted to the Tribunal.
- vi) The order of Tribunal regarding deposit and
release remained unaltered.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 36
Ct.sm