



CNR: KAHC010142142021

NC: 2026:KHC:46664
MFA No. 2147 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2147 OF 2021(MV-I)

BETWEEN:

M.P YASHASWINI
D/O MOHAN
AGED ABOUT 25 YEARS
R/AT NO. 531, 9TH CROSS
7TH BLOCK, JAYANAGAR
BANGALORE-82

...APPELLANT

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE)

AND:

1. THE MANAGER
UNITED INDIA INSURANCE CO LTD
5TH AND 6TH FLOOR
KRUSHI BHAVAN BUIDLING
HUDSON CIRCLE
BANGLAORE 01

2. SHARADA EYE CARE TRUST
NO.638/539,
OPP. BANGALORE
KIDNEY FOUNDATION
PADMANABHNAGAR
BENGALURU-560 070

...RESPONDENTS

(BY SMT. MANJULA NEMICHANDRA TEJASWI, ADVOCATE FOR
R1, NOTICE TO R2 IS DISPENSED WITH)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.16.12.2020 PASSED IN MVC NO.3766/2018 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSE JUDGE AND ACMM, MEMBER, MACT, BENGALURU, (SCCH-23), 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 MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.6,68,000/- awarded by the Tribunal, vide judgment and award dated 16.12.2020 in MVC No.3766/2018, 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.	Pain and sufferings	20,000
2.	Loss of future income	1,75,000
3.	Medical expenses	4,00,000



CNR: KAHC010142142021

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MFA No. 2147 of 2021

4.	Future medical expenses	10,000
5.	Loss of income during the laid up period	18,000
6.	Conveyance, food, nourishment, attendant charges	15,000
7.	Loss of amenities in life	30,000
	Total	6,68,000

4. The Tribunal, on analysis of medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 9% to the whole body.

5. I have perused the evidence of the Doctor - PW.3 and the wound certificate. The same depicts that the claimant has suffered pubic symphysis diastasis with sacral frontal right subtrochanteric proctum of left pelvic. Since the Doctor has assessed the physical disability of limb at 56% and to the whole body at 18.66%, I deem it just and appropriate to assess the disability at 15%.

6. The Tribunal has determined the monthly income, notionally at Rs.9,000/-. Since there is no credible documentary evidence to ascertain the actual monthly income,



CNR: KAHC010142142021

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 2018, would be Rs.12,500/-.

7. As the claimant was aged 21 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.4,05,000/-** (Rs.12,500 x 12 x 18 x 15%) towards '*loss of future income*'.

8. As a consequence, the amount of Rs.18,000/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.37,500/-** (Rs.12,500 x 3 months) treating the laid up period as three months.

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.20,000/- awarded by the Tribunal.

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



CNR: KAHC010142142021

NC: 2026:KHC:46664
MFA No. 2147 of 2021

Rs.40,000/- towards '*loss of amenities*', as against the sum of Rs.30,000/- awarded by the Tribunal.

11. The sum of **Rs.15,000/-** awarded by the Tribunal towards '*Conveyance, food and nourishment and attendant charges*' and a sum of **Rs.10,000/-** awarded by the Tribunal towards '*Future Medical Expenses*' being just and proper, stand affirmed.

12. The sum of **Rs.4,00,000/-** awarded by the Tribunal towards medical expenses, being based on documentary evidence, is affirmed

13. 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.	Pain and sufferings	20,000	50,000
2.	Loss of future income	1,75,000	4,05,000
3.	Medical expenses	4,00,000	4,00,000
4.	Future medical expenses	10,000	10,000
5.	Loss of income during the laid up period	18,000	37,500
6.	Conveyance, food,	15,000	15,000



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MFA No. 2147 of 2021

	nourishment, attendant charges		
7.	Loss of amenities in life	30,000	40,000
	Total	6,68,000	9,57,500

14. Thus, the claimant is held entitled to the total compensation of **Rs.9,57,500/-** as against Rs.6,68,000/-, awarded by the Tribunal. The enhanced compensation shall carry interest at the rate of 6% per annum (excluding future medical expenses) from the date of petition till its realization.

15. 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.

Accordingly, the appeal is ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 31