



CNR: KAHC010151602022

NC: 2026:KHC:40468
MFA No. 2903 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2903 OF 2022(MV-I)

BETWEEN:

SRI SHRIDHAR BHAT
S/O LATE SUBRAYA BHAT
AGED ABOUT 59 YEARS
R/O GAVALI, HALLADI HARKADI VILLAGE
KUNDAPURA TALUK, UDUPI DISTRICT

...APPELLANT

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

AND:

1. SRI BHASKAR POOJARY
S/O LATE AITHA POOJARY
AGED ABOUT 47 YEARS
R/O ADITHYA NILAYA
THAGGINABAGILU
H.NO.2-46, GUNDMI
SASTHAN, KUNDAPURA TALUK
UDUPI DISTRICT

2. THE ORIENTAL GENERAL INSURANCE CO.LTD.,
BRANH OFFICE KUNDAPURA,
NEAR SHASTRI CIRCLE,
Y.M. SHETTY ROAD, KUNDAPURA.
REP.BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2,
NOTICE TO R1 IS SERVED AND UNREPRESENTED)

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 DATED 30.11.2021 PASSED IN MVC NO.355/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE ND AND ADDITIONAL MACT, KUNDAPURA, 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.6,24,138/- awarded by the Tribunal in MVC No.355/2017 dated 30.11.2021, 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 income due to disability	3,38,580
2.	Towards pain and suffering	80,000
3.	Towards medical expenses	1,12,558
4.	Towards conveyance, diet and attendant charges	25,000



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5.	Towards loss of income during laid up period	38,000
6.	Towards loss of amenities	30,000
TOTAL		6,24,138

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered disability to the extent of 30% to the whole body.

5. I have perused the evidence of PWs.2 and 3-Doctors and the wound certificate/disability certificate. The same depicts that the claimant has suffered following injuries:

- i. Superficial laceration 2x2 cm over the right side of the forehead, 2cm above eyebrow;
- ii. Superficial laceration 5x4 cm over the front of right knee'
- iii. Abrasion 4x2 cm over the outer aspect of right leg, 15 cm below knee;
- iv. Superficial laceration 4x1 cm over the dorsum of right foot, 2 cm below ankle;
- v. Abrasion 3x1 cm over the inner aspect of right leg, 4 cm above ankle;
- vi. Abrasion 4x2 cm over the back of right forearm, 4 cm below elbow;
- vii. Abrasion 3x2 cm over the back of right hand, 3 cm below the wrist.



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6. Since the Doctors have assessed the neurological disability at 49% and 17% to the right upper limb, the Tribunal has considered the disability of the claimant at 30% to the whole body. Having regard to the nature of the injuries sustained by the claimant, I deem it appropriate to assess the disability at 35%.

7. As the claimant had failed to produce any cogent document to substantiate that he was earning Rs.22,000/- per month, the Tribunal, as per the chart of Karnataka State Legal Services Authority and since the accident had taken place in the year 2016, has rightly assessed the monthly income of the claimant at Rs.9,500/-, which is just and proper.

8. As the claimant was aged 55 years, appropriate multiplier would be '11' and as he was self employed, 10% requires to be added to his income towards future prospects, which would be Rs.10,450/- (9,500 + 10%). Accordingly, the compensation towards '*loss of future income*' works out to **Rs.4,82,790/-** (Rs.10,450 x 12 x 11 x 35%).



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9. Having regard to the injuries suffered and treatment taken by the claimant, I deem it just and appropriate to award a sum of **Rs.28,500/-** (Rs.9,500 X 3 months) as against Rs.38,000/- awarded by the Tribunal towards '*loss of income during the laid up period*', treating the laid up period as three months.

10. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.1,00,000/-** towards '*pain and suffering*' as against Rs.80,000/- awarded by the Tribunal.

11. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*loss of amenities*', as against the sum of Rs.30,000/- awarded by the Tribunal.

12. Since the claimant requires surgery for removal of implant, I deem it appropriate to award **Rs.25,000/-** towards '*future medical expenses*'.



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13. The sum awarded as '*medical expenses*' at **Rs.1,12,558/-**, being based on documentary evidence, do not call for modification and hence confirmed.

14. The sum awarded under the head '*conveyance, diet and attendant charges*' remain unaltered.

15. 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 income due to disability	3,38,580	4,82,790
2.	Towards pain and suffering	80,000	1,00,000
3.	Towards medical expenses	1,12,558	1,12,558
4.	Towards conveyance, diet and attendant charges	25,000	25,000
5.	Towards loss of income during laid up period	38,000	28,500
6.	Towards loss of amenities	30,000	40,000
7.	Future medical expenses	-	25,000
	Total	6,24,138	8,13,848



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16. Thus, the claimant is held entitled to the total compensation of **Rs.8,13,848/-** as against Rs.6,24,138/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

17. 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 apportionment of compensation amount shall be in terms of the award of the Tribunal.

The amount in deposit, if any, shall be transmitted to the Tribunal.

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.: 11