



CNR: KAHC010153162021

NC: 2026:KHC:36771
MFA No. 1906 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1906 OF 2022 (MV-I)

BETWEEN:

SUNIL KUMAR
S/O. L. KRISHNAPPA,
NOW AGED ABOUT 31 YEARS,
R/AT NO. 100,
KYALASANAHALI,
JIGANI CIRCLE,
ANEKAL,
BANGALORE URBAN-562 106.

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. RANGEGOWDA N.R., ADVOCATE)

AND:

1. UNIVERSAL SOMPO GENERAL
INSURANCE CO., LTD.,
R/AT KVD TOWERS,
NO.7/3, 2ND FLOOR,
ABOVE THE BARCLAYS FINANCE,
OPP: 100 FEET ROAD,



CNR: KAHC010153162021

NC: 2026:KHC:36771
MFA No. 1906 of 2022

OLD MADRAS ROAD,
INDIRANAGAR,
BANGALORE.

2. MR. MURTHY N.,
S/O. NARASIMHALU,
R/AT LOKESH REDDY BUILDING,
KITHAGANAHALLI VILLAGE,
ANEKAL TALUK,
BANGALORE-560 099.

...RESPONDENTS

(BY SRI. PRADEEP B., ADVOCATE FOR R-1;
V/O/D 23.03.2023 NOTICE TO R-2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.03.2020, PASSED IN MVC
NO.5554/2016, ON THE FILE OF THE VII ADDITIONAL SMALL
CAUSES JUDGE AND ACMM., MEMBER, MACT-3, BENGALURU.

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



CNR: KAHC010153162021

NC: 2026:KHC:36771
MFA No. 1906 of 2022

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.14,84,604/- awarded by the Tribunal in MVC No.5554/2016 vide judgment and award dated 10.03.2020, 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:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of future income	6,27,300
2.	Pain and Agony	20,000
3.	Medical expenses	7,99,804
4.	Loss of amenities and nutritious food	20,000
5.	Attendance charges and conveyance	10,000
6.	Loss of income during laid up period	7,500
	Total	14,84,604



CNR: KAHC010153162021

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MFA No. 1906 of 2022**

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

5. I have perused the evidence of the Doctors -PWs.3 and 4. Among them, PW.3 assessed the permanent physical disability of the claimant at 91% in respect of the lower limb and 30% to the whole body. Further, PW.4, the Neurologist, issued Exs.P25 and P26 and assessed the disability at 50% to the whole body. Having regard to the evidence of PWs.3 and 4, I am of the considered view that it would be just and appropriate to assess the claimant's disability at 50% to the whole body.

6. The Tribunal has determined the monthly income, notionally at Rs.7,500/-. Since there is no credible documentary evidence to ascertain the actual monthly income, 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 2016, would be Rs.9,500/-. Tribunal erred by not adding future prospectus to the income of the claimant since the claimant has suffered disability of 50%. Since the disability is at the rate of 50%, in



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NC: 2026:KHC:36771
MFA No. 1906 of 2022

view of law laid by the Division Bench of this Court in MFA No.103807/2016 and connected with other matter and also by the Hon'ble Apex Court in the case of ***Sidram vs. United India*** 2023 (3) SCC 439, the future prospectus of 40% is added to the income. Hence, the income would be at Rs.13,300/- (9,500 + 40%).

7. As the claimant was aged 27 years, a multiplier of '17' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.13,56,600/-** (13,300 x 12 x 17 x 50%) towards '*loss of future income*'.

8. As a consequence, the amount of Rs.7,500/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.28,500/-** (9,500 X 3`).

9. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.75,000/-** 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: KAHC010153162021

Rs.75,000/- towards loss of amenities, as against the sum of Rs.20,000/- awarded by the Tribunal.

11. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'Conveyance, food and nourishment and attendant charges' at **Rs.30,000/-** as against the sum of Rs.10,000/- awarded by the Tribunal.

12. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.25,000/-** towards future medical expenses.

13. The sum awarded as medical expenses at Rs.7,99,804/-, being based on documentary evidence, do not call for modification and hence confirmed.

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

15. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:



CNR: KAHC010153162021

NC: 2026:KHC:36771
MFA No. 1906 of 2022

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Loss of future income	6,27,300	13,56,600
2.	Pain and Agony	20,000	75,000
3.	Medical expenses	7,99,804	7,99,804
4.	Loss of amenities	20,000	75,000
5.	Attendance charges and conveyance	10,000	30,000
6.	Loss of income during laid up period	7,500	28,500
7.	Towards Future medical expenses	-	25,000
	Total	14,84,604	23,89,904

16. Thus, the claimant is held entitled to the total compensation of **Rs.23,89,904/-** as against Rs.14,84,604/-, along with interest at the rate of 6% per annum for the enhanced compensation.



CNR: KAHC010153162021

NC: 2026:KHC:36771
MFA No. 1906 of 2022

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 appeal is accordingly ***allowed in part.***

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

GPG
List No.: 1 SI No.: 3