



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3294 OF 2022 (MV-I)

BETWEEN:

CHIKKEGOWDA,
S/O LATE VENAKATEGOWDA,
AGED ABOUT 59 YEARS,
R/AT ANUGANALU VILLAGE,
SALAGAME HOBLI,
HASSAN TALUK - 573 201.

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE)

AND:

1. VINODA H.V.,
S/O VEERABADHARA C.R.
MAJOR,
CHANANPATNA,
1ST CROSS, NEAR ARALIMARA,
H.N.PURA ROAD, HASSAN DIST 573 201.

2. THE MANAGER,
NATIONAL INSURANCE CO., LTD.,
DIVISIONAL OFFICER,
MANJUNATHA COMPLEX,
OLD BUS ROAD, HASSAN 573 201.

...RESPONDENTS

(BY SRI.RAVISH BENNI, ADVOCATE FOR R-2;
NOTICE TO R-1 IS D/W)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.16.11.2021 PASSED IN MVC NO.106/2019 ON THE FILE OF THE 5TH ADDITIONAL DISTRICT AND SESSIONS COURT, HASSAN.

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.2,14,630/- awarded by the Tribunal, 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.	Towards loss of earning capacity	59,400
2.	Towards pain and suffering	25,000
3.	Towards conveyance charges	5,000



4.	Towards attendant charges	1,500
5.	Medical expenses	73,724
6.	Towards future medical expenses	45,000
7.	Towards Nourishment and diet charges	5,000
	Total	2,14,624
	Rounded off to	2,14,630

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered disability to the extent of 5% to whole body.

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate/disability certificate at Ex.P5. The same depicts that the claimant has suffered fracture of Tibia and Fibula of left leg and one laceration wound on left knee.

6. Since the Doctor has assessed the disability at 30% to the particular limb, 1/3rd of it would be just and appropriate to consider to assess the disability. Accordingly, the disability suffered by the claimant would be at 10%.



7. 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, 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 2017, would be Rs.11,000/-.

8. As the claimant was aged 55 years, a multiplier of '11' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,45,200/-** (11,000 x 12 x 11 x 10%) towards '*loss of future income*'.

9. The Tribunal has not awarded any amount towards '*loss of income during the laid up period*'. Having regard to the injuries suffered and the treatment taken by the claimant, it would be just and appropriate to award a sum of **Rs.33,000/-** (11,000 X 3) considering 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.40,000/-** towards '*pain and suffering*' as against Rs.25,000/- awarded by the Tribunal.



11. The Tribunal has not awarded any amount towards '*loss of amenities*'. Having regard to the injuries suffered and the treatment taken by the claimant, it would be just and appropriate to award a sum of **Rs.25,000/-** towards '*loss of amenities*'.

12. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'Conveyance, nourishment and diet charges and attendant charges' at **Rs.25,000/-** as against the sum of Rs.11,500/- awarded by the Tribunal.

13. The sum awarded as medical expenses at Rs.73,724/-, 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:



Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Towards loss of earning capacity	59,400	1,45,200
2.	Towards pain and suffering	25,000	40,000
3.	Towards conveyance, Nourishment and diet charges and attendant charges	11,500	25,000
4.	Medical expenses	73,724	73,734
5.	Towards future medical expenses	45,000	45,000
6.	Towards loss of amenities	-	25,000
7.	Towards loss of income during laid up period	-	33,000
	Total	2,14,624	3,86,924

16. Thus, the claimant is held entitled to the total compensation of **Rs.3,86,924/-** as against Rs.2,14,624/-, 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 appeal is accordingly ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 SI No.: 13