



CNR: KAHC010182542017

NC: 2026:KHC:54855
MFA No. 1586 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.1586 OF 2017(MV-I)

BETWEEN:

SRI PRAJWAL
S/O VENKATESH,
AGED ABOUT 24 YEARS,
R/AT RAMENAHALLI,
RAMALINGESHWAR BADAVANE,
GULUR HOBLI,
TUMKUR DISTRICT.

PRESENTLY R/AT
BIDARAKERE VILLAGE,
DIDAGATUMKUR POST,
HIRISAVE HOBLI,
CHANNARAYANAPATNA TALUK,
HASSAN DISTRICT.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...APPELLANT

(BY SRI SURENDRA KUMAR N., ADVOCATE)

AND:

1. SRI G B NAGARAJ
AGED ABOUT 42 YEARS
NO.1458, 14TH MAIN, 2ND STAGE,
WEST OF CHORD ROAD,
BANGALORE - 86.
2. BRANCH MANAGER
UNITED INDIA INSURANCE CO LTD,
NO.48/2, 2ND FLOOR,



CNR: KAHC010182542017

NC: 2026:KHC:54855
MFA No. 1586 of 2017

ST.MARKS ROAD,
ABOVE K C DAS SWEETS,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI S V HEGDE MULKHAND, ADVOCATE FOR R2;
R1 - NOTICE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19.02.2014 PASSED IN MVC NO.2116/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT, CHANNARAYAPATNA, 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 RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 19.02.2014 passed by Senior Civil Judge, MACT, Channarayapatna, in MVC no.2116/2011, this appeal is filed.

2. Sri Surendra Kumar N, learned counsel for appellant submitted that appeal was by claimant for enhancement of compensation.

3. Brief facts leading to this appeal are that at 04:00 p.m. on 06.05.2009 when claimant was working as cleaner in lorry no.KA-02-B-8502 proceeding on NH-48, it dashed against



CNR: KAHC010182542017

a parked lorry no.KA-44-5489. In accident, claimant sustained grievous injuries and despite treatment did not recover fully. His left arm and left foot were amputated, due to which he lost earning capacity. Therefore, he filed claim petition under Section 166 of MV Act against owner and insurer of lorry.

4. On contest, claim petition was opposed on all grounds, Tribunal framed issues and recorded evidence. Claimant examined himself as PW1 and Dr. CN Manjappa as PW2 and got marked Exs.P1 to P18. Insurer examined its official as RW1 and got marked Ex.R1.

5. On consideration Tribunal held accident had occurred due to rash and negligent driving of insured vehicle by its driver, vehicle was covered under insurance and claimant sustained disability and was entitled for compensation assessed by it at Rs.8,15,000/-. It held owner and insurer jointly and severally liable to pay same. Dissatisfied with quantum claimant was in appeal.

6. It was submitted that as on date of accident, claimant was 16 years of age, working as cleaner and stated to



CNR: KAHC010182542017

be earning Rs.8,000/-. Without any basis Tribunal considered monthly income at Rs.5,000/-. In accident, claimant had lost entire left arm and left foot due to amputation. Though PW2 examined claimant and assessed upper limb disability of 40% and lower limb disability of 20%, Tribunal considered inadequate disability of 50%. Same would not be justified. It was submitted that Tribunal also erred in not adding future prospects to monthly income.

7. Apart from above it was submitted that Tribunal erred in awarding inadequate compensation towards pain and suffering at Ra.75,000/-, Rs.40,000/- towards medical and incidental expenses for total inpatient period of 10 days and erred in granting Rs.60,000/- towards loss of income during period of treatment. Even compensation of Rs.50,000/- awarded towards future medical expenses and Rs.1,00,000/- towards loss of amenities and loss of marriage prospects etc. was inadequate and sought for enhancement.

8. On other hand Sri SV Hegde Mulkhand, learned counsel for respondent no.2 - insurer opposed appeal. It was submitted that Tribunal had assessed compensation under each



CNR: KAHC010182542017

of heads separately by considering material on record and same would not call for modification. It was specifically submitted that insofar as monthly income, in evidence itself claimant has stated that he was earning Rs.5,000/- p.m. Therefore, there would be no scope for variation.

9. Heard learned counsel, perused impugned judgment and award and records.

10. From above and since only claimant is in appeal for enhancement, point that arise for consideration is:

'Whether claimant is entitled for enhancement of compensation as prayed?'

Same is answered partly in affirmative for following reasons:

11. Admittedly claimant was 16 years of age as on date of accident, working as cleaner, but claimed to be earning Rs.8,000/-. As per treatment records as well as deposition of PW2, claimant sustained disability due to amputation of left arm and left foot. In case of assessment of compensation of minor non-earning members, Hon'ble Supreme Court in case of ***Hitesh Nagjibhai Patel v Bababhai Nagjibhai Rabari and***



CNR: KAHC010182542017

NC: 2026:KHC:54855
MFA No. 1586 of 2017

Anr. reported in **2025 SCC OnLine SC 3446**, had held that monthly income has to be taken at wages notified by Government for skilled worker for relevant year and apply multiplier of '18'. It also added future prospects to monthly income. However, there is no material to disclose minimum wages notified for year 2009. In alternative, this Court for purpose of settlement of claims before Lok Adalath has adopted Rs.5,000/- as notional income for year 2009. Said income is considered by Tribunal. Apart from above, in their deposition claimants have specifically stated monthly income of claimant to be Rs.5,000/-. Therefore, Rs.5,000/- taken as monthly income by Tribunal is found to be justified. Insofar as disability, though PW2 examined claimant and assessed 40% disability to left upper limb and 20% to left lower limb, cumulative effect of amputational injuries on earnings has to be considered. At same time, possibility of earning with alternative avocation has also to be kept in mind. In light of above, assessment of disability by Tribunal at 50% would not be justified. It is found appropriate to enhance it to 80%. Thus, compensation towards future loss of income would be Rs.12,09,600/- [(Rs.5000/- +



CNR: KAHC010182542017

40%) x 12 x 18 x 80%]. Tribunal has considered one year as period of layoff and awarded Rs.60,000/- towards loss of earning during laid up period, same is retained. Tribunal has awarded Rs.40,000/- towards medical and other incidental expenses. Verification of records indicate that medical bills of approximately Rs.11,500/- are produced. Considering inpatient period of 10 days, award of Rs.40,000/- towards medical and incidental expenses would appear just and proper. Tribunal has awarded Rs.75,000/- only towards pain and suffering. Considering amputation of left arm as well as left foot, it is found appropriate to enhance said compensation to Rs.2,00,000/-. Tribunal has awarded Rs.50,000/- towards future medical expenses and Rs.1,00,000/- towards loss of amenities and towards artificial limb etc. Since artificial limb would require periodic maintenance and replacement, compensation towards same cannot be clubbed with amenities. Hence a sum of Rs.1,00,000/- is awarded towards future medical expenses including artificial limb. As per decision of Hon'ble Supreme Court in case of ***Raj Kumar v. Ajay Kumar*** reported in ***(2011) 1 SCC 343***, Rs.1,50,000/- is awarded towards loss of



NC: 2026:KHC:54855
MFA No. 1586 of 2017

CNR: KAHC010182542017

amenities. Considering young age of claimant and effect of amputation on prospects of marriage, it is found appropriate to award Rs.1,00,000/- towards loss of marriage prospects. Thus, total compensation would be Rs.18,59,600/- approximated to Rs.18,60,000/-.

12. Thus, appeal is ***allowed in part***. Compensation enhanced from Rs.8,15,000/- to Rs.18,60,000/- with interest at 6% per annum from date of claim petition till deposit excluding period as per order dated 15.02.2024. Insurer would also be not liable to pay interest on amount awarded towards future medical expenses.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 22