



CNR: KAHC010195972020

NC: 2026:KHC:45714
MFA No. 3013 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3013 OF 2020(MV-I)

BETWEEN:

SRI AJAY BHANDARY
S/O MAHABALA BHANDARY
AGED ABOUT 47 YEARS,
R/O "SHIVA CHAYA"
NANDALIKE VILLAGE
KARKALA TALUK
UDUPI DISTRICT

...APPELLANT

(BY SRI. NAGARAJA H.R, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT SHWETHA SALIAN
W/O DINESH,
AGED ABOUT 41 YEARS,
R/O H NO. 24-63 A2
"SHRI PRASAD",
MOODABETTU
KODAVOOR POST,
UDUPI TALUK
2. M/S UNITED INDIA INSURANCE CO. LTD
BRANCH OFFICE KUNDAPURA
SRI LAXMI VENKATESH COMPLEX,



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NH-66, VADERHOBLI,
KUNDAPURA
REP BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADVOCATE FOR R2,
R1 - SERVED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.02.07.2019 PASSED IN MVC NO.1041/2017 ON THE FILE OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, UDUPI, (SITTING AT KUNDAPURA), KUNDAPURA, 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.12,69,000/- 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:



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Sl. No.	Particulars	Amount in (Rs.)
1.	Injury, pain and sufferings	1,00,000
2.	Medical expenses	6,10,057
3.	Future medical expenses	44,000
4.	Loss of earning during treatment	22,500
5.	Loss of bed rest	90,000
6.	Loss of future earning capacity	3,02,400
7.	Loss of amenities	50,000
8.	Conveyance, Nourishment and Attendant charges	50,000
	Total	12,68,957
	Rounded off to	12,69,000

4. The Tribunal, on an analysis of the medical evidence, has rightly concluded that the claimant has suffered permanent disability to the extent of 20% to the whole body.

5. 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



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Authority, which, for the accident of the year 2017, would be Rs.11,000/-.

6. Since the claimant has suffered 20% disability and is aged about 45 years, 25% future prospects requires to be added to the said income, which would be Rs.13,750/- (11,000/- + 25%). Thus, the income of the claimant would be **Rs.13,750/-**.

7. As the claimant was aged 45 years, the Tribunal has rightly applied the multiplier of '14'. Consequently, the claimant would be entitled to a sum of **Rs.4,62,000/-** (Rs.13,750 x 12 x 14 x 20%) towards '*loss of future income*' as against sum of Rs.3,02,400/-.

8. The sum awarded as medical expenses at **Rs.6,10,057/-** being based on the documentary evidence, do not call for modification and hence confirmed.

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



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10. 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.	Injury, pain and sufferings	1,00,000	1,00,000
2.	Medical expenses	6,10,057	6,10,057
3.	Future medical expenses	44,000	44,000
4.	Loss of earning during treatment	22,500	22,500
5.	Loss of bed rest	90,000	90,000
6.	Loss of future earning capacity	3,02,400	4,62,000
7.	Loss of amenities	50,000	50,000
8.	Conveyance, Nourishment and Attendant charges	50,000	50,000
	Total	12,68,957	14,28,557
	Rounded off to	12,69,000	



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11. Thus, the claimant is held entitled to the total compensation of **Rs.14,28,557/-** as against Rs.12,69,000/-, along with interest at the rate of 6% per annum from the date of petition till its realization excluding interest on the sum of Rs.44,000/- awarded towards future medical expenses.

12. 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

CR
List No.: 1 SI No.: 23