



CNR: KAHC010214892021

NC: 2026:KHC:45034
MFA No. 1994 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1994 OF 2022(MV-I)

BETWEEN:

SRI ANNAPPA
AGED ABOUT 43 YEARS,
S/O SUBBA
R/O MANJIMANE
THEGGARSE VILLAGE
KUNDAPURA
UDUPI DIST - 576 201

...APPELLANT

(BY SRI. K PRASANNA SHETTY, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. MR RAGHAVENDRA POOJARI
AGED ABOUT 31 YEARS,
S/O DODDA THUMINAHITHLU
BIJOOR VILLAGE AND POST,
KUNDPUR TALUK
UDUPI DISTRICT-576 201
2. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
CITY TRADE CENTER
1ST FLOOR,



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OPP CITY HOSPITAL
KADRI, MANGALORE-575003

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2,
VIDE ORDER DATED 19.08.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 29.02.2020 PASSED IN MVC
NO.462/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE 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.7,12,948/- 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.	Loss of income due to disability	3,78,000
2.	Towards pain and sufferings	60,000
3.	Towards medical expenses	1,81,948
4.	Towards conveyance, diet and attendants charges	25,000
5.	Towards loss of income during laid up period	28,000
6.	Loss of amenities	40,000
	Total	7,12,948

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 Doctor - PW.2 and the wound certificate/disability certificate. The same depicts that the claimant has suffered following injuries:

- i. Reddish contusion of 9 cm X 8 cm on the right forehead with right black eye with CT scan showing bilateral frontal lobes contusion with cerebral edema,



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- ii. Reddish abrasion of 2 cm X 1 cm on the left side of the chin,
- iii. Reddish abrasion of 3 cm X 2 cm on the outer aspect of right elbow.

6. Since the Doctor has deposed that the claimant has also suffered fracture of left temporal bone and assessed the cognitive disability at 40%, considering the nature of injuries suffered by the claimant, I deem it just and appropriate to assess the disability at 35% instead of 30% assessed by the Tribunal. Accordingly, the disability suffered by the claimant would be at 35%.

7. The Tribunal has determined the monthly income, notionally at Rs.7,000/- per month. 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 2015, would be Rs.9,000/-.

8. Since the disability is at the rate of 35%, in view of law laid by the Division Bench of this Court in MFA No.103807/2016



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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 as the claimant was aged about 39 at the time of accident. Hence, the income would be at **Rs.12,600/-** (9,000 + 40%).

9. As the claimant was aged 39 years, the Tribunal has rightly applied a multiplier of '15'. Consequently, the claimant would be entitled to a sum of **Rs.7,93,800/-** (12,600 x 12 x 15 x 35%) towards '*loss of future income*' as against Rs.3,78,000/- awarded by the Tribunal.

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.60,000/- 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.50,000/-** towards loss of amenities, as against the sum of Rs.40,000/- awarded by the Tribunal.



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12. The sum awarded as medical expenses at **Rs.1,81,948/-** being based on the documentary evidence, do not call for modification and hence confirmed.

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

14. 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	3,78,000	7,93,800
2.	Towards pain and sufferings	60,000	1,00,000
3.	Towards medical expenses	1,81,948	1,81,948
4.	Towards conveyance, diet and attendants charges	25,000	25,000
5.	Towards loss of income during laid up period	28,000	28,000
6.	Loss of amenities	40,000	50,000
	Total	7,12,948	11,78,748



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15. Thus, the claimant is held entitled to the total compensation of **Rs.11,78,748/-** as against Rs.7,12,948/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

16. 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.

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

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

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

CR
List No.: 1 Sl No.: 13