



CNR: KAHC010227902022

NC: 2026:KHC:46838
MFA No. 3913 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 3913 OF 2022

(MV-I)

BETWEEN:

B.S. HEMALATHA
W/O M MUNIYAPPA
AGED ABOUT 60 YEARS
R/AT NO.136, DOCTORS COLONY
1ST CORSS, KONANAKUNTE
BANGALORE CITY-560062.

...APPELLANT

(BY SRI. R. LAXMANA, ADVOCATE AND
SRI. KUMAR R.Y.,
SRI. SHASHIKALA A., ADVOCATES)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. M/S IFFCO TOKIO GENERAL INSURANCE CO LTD
BY ITS MANAGER
SRI SHANTHI TOWERS
5TH FLOOR, NO.141, 3RD MAIN
EAST TO NGEF LAYOUT
KASTURI NAGAR
BANGALORE-560043.
2. KRISHNA PRASAD K N
R/AT NO.11/B, SAGARA
2ND FLOOR, 4TH CROSS
DODDAKALLASANDRA
BAGNALORE-560062.

...RESPONDENTS



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(BY SRI. SEETHARAMA RAO, ADVOCATE FOR R1
R2 NOTICE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.10.2021 PASSED IN MVC NO.6917/2018 ON THE FILE OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE, BENGALURU SCCH-25, 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.1,34,400/- awarded by the Tribunal in MVC No.6917/2018 vide judgment and award dated 16.10.2021, 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.	Pain and suffering	25,000



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2.	Medical expenses	11,856
3.	Loss of income during laid up period	7,000
4.	Loss of future income	60,480
5.	Loss of future amenities and happiness	15,000
6.	Attendant, conveyance, food and nourishment charges	15,000
	Total	1,34,336 Rounded off to 1,34,400

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 8% to the whole body.

5. I have perused the evidence of the Doctor - PW.3 and Ex.P7 - three discharge summaries dated 06.08.2018 to 13.08.2018 which depict that the claimant diagnosed with C5-C6, C6-C7 IVDP + D12 compression fracture, Spinal Fusion done on 8.8.2018 and at the time of discharge her condition was stable. The Second discharge summary dated 6.9.2018, which shows that the claimant was admitted on complaint of sudden onset abdominal and chest discomfort, giddiness and



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profuse sweating since 1-2 days, left lower limb swelling with pain since 3 days and as per the third discharge summary dated 21.03.2020 the claimant was admitted for symptomatic cholelithiasis + umbilical hernia - Hypothyroidism and therefore these two discharge summaries clearly shows that they are not connected to the accident injuries.

6. Since the Doctor, based on the injuries sustained by the claimant, has assessed the disability at 12%, the same is not altered. Accordingly, the disability suffered by the claimant would be at 12% instead of 8%.

7. The Tribunal has determined the monthly income, notionally at Rs.7,000/-. 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 2018, would be Rs.12,500/-.

8. As the claimant was aged 56 years, a multiplier of '9' would have to be applied. Consequently, the claimant would be



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entitled to a sum of **Rs.1,62,000/-** (Rs.12,500 x 12 x 9 x 12%) towards '*loss of future income*'.

9. As a consequence, the amount of Rs.7,000/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.37,500/-** (Rs.12,500 X 3).

10. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.50,000/-** towards '*pain and suffering*' as against Rs.25,000/- 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.30,000/-** towards loss of amenities, as against the sum of Rs.15,000/- awarded by the Tribunal.

12. The sum awarded as medical expenses at **Rs.11,856/-**, being based on 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.



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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.	Pain and suffering	25,000	50,000
2.	Medical expenses	11,856	11,856
3.	Loss of income during laid up period	7,000	37,500
4.	Loss of future income	60,480	1,62,000
5.	Loss of future amenities and happiness	15,000	30,000
6.	Attendant, conveyance, food and nourishment charges	15,000	15,000
	Total	1,34,400	3,06,356

15. Thus, the claimant is held entitled to the total compensation of **Rs.3,06,356/-** as against Rs.1,34,336/-, along with interest at the rate of 6% per annum from the date of petition till its realization.



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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.

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

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

GPG
List No.: 1 Sl No.: 5