



CNR: KAHC010237722020

NC: 2026:KHC:41654
MFA No. 3892 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3892 OF 2020 (MV-I)

BETWEEN:

ARUNKUMAR B.,
S/O BHEEMAIAH,
AGED ABOUT 24 YEARS,
R/A BILLANAKOTE VILALGE,
SOMPURA HOBLI,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT.

...APPELLANT

(BY SRI. RANGEGOWDA N.R., ADVOCATE)

AND:

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. GANGARAJU V.,
S/O VENKATESH,
AGED MAJOR
R/AT BILLANAKOTE VILLAGE,
SOMPURA HOBI,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT 562 123.
2. THE REGIONAL MANAGER
NATIONAL INS. CO., LTD.,
SHUBHARAM COMPLEX,
NO.28, 5TH FLOOR



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M.G. ROAD,
BANGLAORE 560 001.

3. KUMARSWAMY,
S/O GOVINDARAJU,
AGED MAJOR,
R/AT MACHANAHALLI VILLAGE,
KESARAMADU POST,
URDAGERE HOBLI,
TUMKRU TALUK AND DISTRICT 572 101.

4. THE MANAGER,
IFFCO TOKIO GENL.INS.,CO.,LTD.,
SRISHANTHI TOWERS,
CUSTOMER SERVICE CENTRE,
5TH FLOOR, NGEF LAYOUT,
KASTURI NAGAR, BENGALURU 560 043.

...RESPONDENTS

(BY SRI.RAVISH BENNI, ADVOCATE FOR R-2;
SRI.B.PRADEEP, ADVOCATE FOR R-4;
V/O DTD. 20.04.2022 NOTICE TO R-1 AND R-3 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.02.2020 PASSED IN MVC
NO.808/2018 ON THE FILE OF THE MEMBER, MACT, XVI
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU,
(SCCH-14).

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.1,64,700/- awarded by the Tribunal in MVC No.808/2018 vide judgment and award dated 05.02.2020, 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	40,000
2.	Food and nourishment, conveyance and attendant charges	3,000
3.	Loss of income during the period of treatment	24,000
4.	Loss of future earnings	1,38,240
5.	Loss of amenities	30,000
	Sub Total -	2,35,240
	Less 30% contributory negligence	70,572



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	Total	1,64,668
	Rounded off to	1,64,700

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. By considering the evidence of PW.3 - the Doctor, the wound certificate at PW.3 and Discharge summary at Ex.P8, the same depict that the claimant suffered parasyemphysin fracture of mandible right, fracture of distal radius and fracture of 3rd metacarpal neck left side. Hence, I am of the considered view that the assessment of disability is on lower side and the same has to be assessed at 11% instead of 8% as assessed by the Tribunal.

5. The Tribunal has determined the monthly income, notionally at Rs.8,000/-. 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/-.



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6. As the claimant was aged 22 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.2,97,000/-** (Rs.12,500 x 12 x 18 x 11%) towards '*loss of future income*'.

7. As a consequence, the amount of Rs.24,000/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.37,500/-** (12,500 X 3).

8. 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.40,000/- awarded by the Tribunal.

9. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to '*Conveyance, food and nourishment and attendant charges*' at **Rs.10,000/-** as against the sum of Rs.3,000/- awarded by the Tribunal.

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



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11. The Tribunal held that injured-appellant also contributed 30% negligence to the accident, by placing reliance on the spot mahazar - Ex.P2. I have carefully perused the spot mahazar - Ex.P2, no doubt, the accident was caused in an 'U' turn. However, the charge sheet is filed against the rider of the offending motorcycle. As such, I am of the considered view that the negligence could be assessed at 20% on the part of the appellant-claimant and 80% on the part of the rider of the offending motorcycle. Accordingly, the said finding of the Tribunal is modified.

12. 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 this Court (Rs.)
1.	Pain and suffering	50,000
2.	Food and nourishment, conveyance and attendant charges	10,000
3.	Loss of income during the period of treatment	37,500



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4.	Loss of future earnings	2,97,000
5.	Loss of amenities	30,000
	Sub Total	4,24,500
	Less 20% contributory negligence	84,900
	Total	3,39,600

13. Thus, the claimant is held entitled to the total compensation of **Rs.3,39,600/-** as against Rs.1,64,668/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

14. The Insurance Company is directed to deposit the 80% 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.: 7