



CNR: KAHC010248632020

NC: 2026:KHC:47155
MFA No. 3595 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3595 OF 2021(MV-I)

BETWEEN:

MR VENKATESHA
S/O MR THIPPESWAMY
AGE ABOUT 39 YEARS
MADAKARIPURA VILLAGE
CHITRADURGA TALUK - 577 501

...APPELLANT

(BY SRI. K. SHASHIKANTH PRASAD, ADVOCATE)

AND:

1. MR MANJUNATH J
S/O LATE JAYADEVAPPA
MAJOR, MATADA KURUBARAHATTI
CHITRADURGA - 577 501
2. THE BRANCH MANAGER
NATIONAL INSURANCE CO LTD
B. M COMPLEX. LAKSHMI BAZAR
CHITRADURGA - 577 501

...RESPONDENTS

(BY SRI. ASHOK N PATIL, ADVOCATE FOR R2
R1 NOTICE DISPENSED WITH)

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COURT OF
KARNATAKA



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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED.12.08.2017 PASSED IN MVC NO.1320/2016 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE, MACT-IV, CHITRADURGA, 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.1,21,562/- 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:

Sl. No.	Particulars	Amount in (Rs.)
1.	Medical expenses	38,152
2.	Nourishment and miscellaneous expenses	30,000



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3.	Pain, injuries and sufferings	6,000
4.	Loss of amenities, enjoyment of life and discomforts	30,000
5.	Loss of pay for laid up period for one month	7,410
6.	Future medical expenses	10,000
	Total	1,21,562

4. The Tribunal has not awarded any compensation under the head of future loss of income. On the last date of hearing, the learned counsel for the appellant submitted that, due to the accident, the injured-claimant had sustained 34% disability to a particular limb and that his movements were restricted. Accordingly, liberty was granted to the learned counsel to keep present the claimant before this Court. Today, the claimant is present before the Court along with his mother. On enquiry, the claimant and his mother stated that, even prior to the accident, the claimant had suffered a stroke and was unable to walk properly. However, due to the accident, he sustained grievous injuries to the left femur, for which a rod has been implanted. Having regard to the material on record and the nature of the injuries and disability sustained in the accident, I am of the



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view that the claimant is entitled to compensation under the head of future loss of income.

5. Considering the evidence of PW.2-Doctor and Ex.P6-Wound Certificate, Ex.P8-Disability Certificate and Ex.P9-Discharge Summary, I am of the considered view that the permanent disability to the whole body may be assessed at **12%**, being one-third of the 34% disability assessed by the Doctor in respect of the particular limb.

6. It is submitted by the learned counsel for the appellant that, at the time of the accident, the claimant was employed as a Peon in the Village Panchayath and was earning a monthly salary of Rs.7,410/-. As such, the same has to be taken for calculation of compensation.

7. Since the claimant was aged about 30 to 35 years at the time of accident, the appropriate multiplier of '16' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,70,726/-** (7,410 x 12 x 16 x 12%) towards '*loss of future income*'.



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8. The Tribunal has awarded a sum of Rs.7,410/- towards loss of income during laid up period i.e., one month salary. However, the claimant who appeared before this Court has stated that due to the accident, he did not attend his work for a period of one and half years. Considering the nature of the injuries and also considering the Ex.P10 - the certificate issued by the Village Panchayath that the claimant had not attended his work for a period of one and half years. In such circumstance, I am of the view that a ten months salary i.e., **Rs.74,100/-** (7410 X 10 months) could be awarded as compensation under the head of '*loss of income during laid up period*'.

9. Having regard to the injuries suffered by the claimant and its lasting effect, the claimant would be entitled to a sum of **Rs.50,000/-** towards '*pain and suffering*' as against Rs.6,000/- and **Rs.50,000/-** towards '*loss of amenities*', as against the sum of Rs.30,000/- awarded by the Tribunal.

10. Having regard to the injuries suffered by the claimant and its further treatment in the future, the claimant would be entitled to a sum of **Rs.35,000/-** towards '*future medical*



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expenses' as against sum of Rs.10,000/- awarded by the Tribunal.

11. The sum awarded as medical expenses at **Rs.38,152/-** being based on the documentary evidence, do not call for modification and hence confirmed.

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

13. 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.	Medical expenses	38,152	38,152
2.	Nourishment and miscellaneous expenses	30,000	30,000
3.	Pain, injuries and sufferings	6,000	50,000
4.	Loss of amenities, enjoyment of life and discomforts	30,000	50,000
5.	Loss of income during laid	7,410	74,100



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	up period		
6.	Future medical expenses	10,000	35,000
7.	Loss of future income	---	1,70,726
	Total	1,21,562	4,47,978

14. Thus, the claimant is held entitled to the total compensation of **Rs.4,47,978/-** as against Rs.1,21,562/-, along with interest at the rate of 6% per annum from the date of petition till its realization, however, the appellant is not entitled for the interest for the delayed period of 851 days in filing the appeal.

15. 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

CR/List No.: 1 SI No.: 4