



CNR: KAHC010258392020

NC: 2026:KHC:48766
MFA No. 4238 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 4238 OF 2021

(MV-I)

BETWEEN:

AMITH K. L. @ AMITH KUMAR,
S/O LOHITHASHAWA,
AGED ABOUT 8 YEARS,
AGED MINOR,
STUDENT,
REPRESENTED BY
HIS NATURAL MOTHER
P. E. ASHIWINI,
W/O LOHITHASHAWA,
AGED ABOUT 27 YEARS,
R/O KAGALAGERE VILLAGE,
MUTHUGADUR POST,
HOLALKERE TALUK,
NOW R/AT VIJAPURA,
CHITHRADURGA TALUK – 577 557.

...APPELLANT

(BY SRI. SPOORTHY HEGDE N., ADVOCATE)

AND:

1. UNITED INDIA INSURANCE CO.
REP. BY ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE, MMK COMPLEX,

Digitally
signed by
SUSHMA
LAKSHMI B S
Location: High
Court of
Karnataka



NC: 2026:KHC:48766
MFA No. 4238 of 2021

CNR: KAHC010258392020

P. J. EXTENSION,
AKKAMAHADEVI ROAD,
DAVANAGERE – 577 002.

2. SHAMANURAPPA
S/O KRISHNAPPA,
AGED MAJOR,
RC OWNER OF THE OMNI CAR
BEARING REG NO.KA-17/Z-0634,
R/O THILINEERKATTE VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT – 577 213.

...RESPONDENTS

(BY SRI. KRISHNA KISHORE S., ADVOCATE FOR R1;
R2 IS DISPOSED WITH, V/O DATED 27.05.2022)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 06.06.2019, PASSED IN
MVC.NO.1131/2017, ON THE FILE OF THE SENIOR CIVIL
JUDGE AND J.M.F.C. A HOLALKERE, 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 S RACHAIAH



CNR: KAHC010258392020

NC: 2026:KHC:48766
MFA No. 4238 of 2021

ORAL JUDGMENT

1. This appeal has been filed by the appellant/claimant seeking modification of the judgment and award dated 06.06.2019, passed in MVC No.1131/2017, by the learned Senior Civil Judge and MACT, Holalkere by enhancing the compensation.

Factual Matrix of the Case:

2. The case of the claimant is that on 14.04.2017 at about 4.45 p.m., the appellant was playing in front of his house on open yard on the left side of the road. At that time, the driver of the Omni car coming from Sirigere towards Sasaluhalla, drove the same in a rash and negligent manner with high speed, to overtake the lorry and dashed against the appellant and caused accident. Due to the impact of the said accident, the appellant sustained fracture i.e., crush injury of left foot, involving distal of the foot, exposing the crushed toes muscles and tendons and other parts of the body. The appellant underwent surgery and there was amputation of 3rd and 4th toe of left foot and there was broadening of 2nd toe with no nail and there was a skin grafted area over dorsum of left foot and there



was deformity of left 5th toe and tenderness over test identification parade of stump. As against the said incident, the claimant has filed claim petition before the Tribunal. The Tribunal has awarded compensation of Rs.2,25,265/-. Being dissatisfied with the aforesaid compensation, the appellant filed this appeal.

3. Heard Sri. Spoorthy Hegde N, learned counsel for the appellant and Sri. Krishna Kishore S, learned counsel for respondent No.1.

4. It is the submission of learned counsel for the appellant that the Tribunal erred in failing to consider the minimum wages applicable based on the age of the victim, and in not awarding adequate compensation. Furthermore, the Tribunal did not properly assess the appellant's disability; the doctor specifically reported that the appellant sustained 17% permanent disability to the particular limb and 5% permanent disability to the whole body. Therefore, the compensation awarded by the Tribunal warrants enhancement. Making such submissions, the learned counsel for appellant prays to allow the appeal.



5. *Per contra*, learned counsel for the respondent vehemently justified the judgment and award passed by the Tribunal, submitting that the Tribunal rightly calculated the disability at one-third in the light of the nature of the injuries sustained by the injured. Accordingly, the Tribunal awarded just compensation after considering the judgments of the Hon'ble Supreme Court, which requires no modification. Making such submissions, the learned counsel for respondent No.1 prays to dismiss the appeal.

6. Having considered the submission of learned counsel for the respective parties and on perusal of the findings of the Tribunal in awarding the compensation, the Tribunal has awarded lump sum compensation of Rs.2,25,265/-. However, the Tribunal has failed to assess the compensation in respect of other heads.

7. Now, it is relevant to assess the compensation under the different heads on relying the judgment of Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari**¹ in paragraph No.15 held as under.

¹ 2025 SCC Online SC 3446



CNR: KAHC010258392020

***15.** For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law.*

8. On going through the findings given by the Hon'ble Supreme Court in this regard, it is relevant to take note of the fact that, in a case where the child is suffering from injury or having passed away, the calculation of income necessarily to be made on the matrix of the minimum wages payable to the skilled worker in respect of each State and each Zone at the relevant point of time.

9. Having considered the said aspects, as per the judgment of the Hon'ble Supreme Court, notional income of the injured to be considered as Rs.9,880/- per month on considering the zonal table given by the Authority. As the claimant was aged 8 years, a multiplier of '18' would be applied. Therefore, the



CNR: KAHC010258392020

NC: 2026:KHC:48766
MFA No. 4238 of 2021

calculation on the head of ***loss of future income*** is as follows:

$$9,880 \times 12 \times 18 \times 8\% = \text{Rs.1,70,726.}$$

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 this Court (Rs.)
1.	Pain and sufferings	50,000/-
2.	Loss of future income	1,70,726/-
3.	Medical expenses	1,25,265/-
4.	Loss of income during the laid up period	39,520/-
5.	Loss of amenities	32,000/-
6.	Conveyance, food, nourishment, attendant charges	10,000/-
	Total	4,27,511/- -2,25,265 2,02,246/-



NC: 2026:KHC:48766
MFA No. 4238 of 2021

11. Thus, the claimant is entitled to the total compensation of **Rs.4,27,511/- (Rupees Four Lakhs Twenty Seven Thousand Five Hundred and Eleven only)** along with interest at the rate of 6% per annum from the date of petition till its realization. The enhanced compensation amount of **Rs.2,02,246/- (Rupees Two Lakhs Two Thousand Two Hundred and forty-six only)** shall carry 6% interest from the date of filing of this appeal till realization of the enhanced compensation amount.

12. The Insurance Company is directed to deposit the aforesaid compensation within two months from the date of receipt of a certified copy of this judgment. The appeal is accordingly, ***allowed-in-part***.

13. Registry is directed to communicate this order forthwith.

**Sd/-
(S RACHAIAH)
JUDGE**

JS/-, List No.: 1 Sl No.: 19