



CNR: KAHC010259842026

NC: 2026:KHC:54639
MFA No. 2698 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2698 OF 2026

(MV-I)

BETWEEN:

THIRUMALAI SWAMY VELUSAMY
AGED ABOUT 31 YEARS
S/O. VELUSAMY, R/O. 2-129
KAVERIYAMMA PATTI, KAVERIYAMMAPATTI
DINDIGUL, TAMIL NADU – 624 619.

...APPELLANT

(BY SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. PRASHANTH DEVADIGA
AGED ABOUT 38 YEARS
S/O. LATE NARAYANA DEVADIGA
R/O. 4-95(3), SHRI DURGA NILAYA
SHRI DURGA PARAMESHWARI TEMPLE ROAD
NANDIKOOR, UDUPI – 574 111.
2. THE DIVISIONAL MANAGER
UNITED INDIA INS. CO. LTD.,
DIVISIONAL OFFICE, JEWEL PLAZA
MARUTHI VITHIKA, OPP. SHRINIDHI MEDICAL
NEAR CHITTARANJAN CIRCLE, UDUPI – 576 101.

...RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 04.06.2026, NOTICE TO R1 D/W)

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JUDGE, HIGH COURT OF KARNATAKA





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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:29.01.2026 PASSED IN MVC No.948/2024 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, ADDITIONAL MACT, UDUPI, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant -claimant seeking enhancement of compensation awarded in judgment and award dated 29.01.2026 passed in MVC No.948/2024 by the II Additional Senior Civil Judge and Additional MACT, Udupi.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2 –insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a

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road traffic accident occurred on 13.05.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.MH-02/AY-5241. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Heads of Compensation	Amount in Rs.
Loss of future income	17,50,320-00
Loss of income during laid up period	33,000-00
Medical expenses	12,98,502-00
Future medical expenses	70,000-00
Nourishment, attendant Conveyance expenses	20,000-00
Pain, sufferings and Trauma	20,000-00
Loss of Amenities, discomfort, future happiness, permanent disability and shortening of life	15,000-00
Total	32,06,822-00

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking

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enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. The accident occurred on 13.05.2024 and as on the date of accident the claimant was aged 29 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '17'. The notional income fixed for the year 2024 by the Karnataka State Legal Service Authority is Rs.17,000/- per month and said income is to be taken as against Rs.16,500/- as taken by the Tribunal.

7. The claimant has sustained the following injuries as per Exhibit P6 -wound certificate:

- i) Reddish contusion of 5cm x 4cm on the right side of forehead with CT scan showing subarachnoid hemorrhage with left pontine hemorrhage.
- ii) Right upper limb Brachial plexus injury from C5 to T1.

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- iii) Swelling and deformity of right forearm with laceration of 3cm x 1cm x bone deep on the upper one third with underlying fracture of radius and ulna with ulnar nerve injury.
- iv) Reddish contusion of 10cm x 8cm on the right side of abdomen with CT Scan showing minimal hemoperitoneum.
- v) Swelling and deformity of right thigh with laceration of 3cm x 2cm x bone deep at middle one third with underlying fracture of femur.
- vi) Reddish abrasion of 4cm x 3cm on the right knee with surrounding contusion.
- vii) Avulsion laceration of 15cm x 6cm x bone deep on the right foot with loss of Talus bone with comminuted fracture of navicular bone with fracture of cuboid.
- viii) Reddish abrasion of 4cm x 3cm on the left knee.
- ix) Laceration of 2cm x 1cm x bone deep on the left foot.

8. Considering the said injuries/fractures sustained by the claimant, the compensation towards pain and suffering awarded in a sum of Rs.20,000/- is enhanced to Rs.1,30,000/- and loss of amenities awarded in a sum of

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Rs.15,000/- is enhanced to Rs.1,20,000/-. The claimant has been admitted in the hospital for 77 days and considering the same, the claimant is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of Rs.77,000/- (Rs.1,000/- x 77 days) as against Rs.20,000/- as awarded by the Tribunal. The Tribunal based on the evidence of the doctor and medical bills has rightly awarded future medical expenses of Rs.70,000/- and medical expenses of Rs.12,98,502/-. Considering the avocation of the claimant that he is cloth seller from door to door and the injuries/fracture sustained by him, he has to take rest at least for 06 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.1,02,000/- (Rs.17,000/- x 06 months) as against Rs.33,000/- as awarded by the Tribunal.

9. P.W.2 is the doctor who has examined the claimant and assessed his disability and stated that the claimant has sustained 100% disability to the right upper

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limb and 56% to the right lower limb. PW.2 is not a treated Doctor and he is not a Orthopedic surgeon and he is having degree of MBBS and MD. The claimant is stated to have sustained two fractures one to upper limb and another to lower limb. Considering the evidence of the Doctor and the avocation of the claimant, the Tribunal has rightly taken the functional disability at 50%. Since the disability assessed is more than 20%, the claimant is entitled to future prospects at 40%. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.}17,000+40\%=\text{Rs.}23,800\times12\times17\times52\%=\text{Rs.}25,24,704/-$$

10. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	1,50,000/-
02.	Loss of amenities	1,20,000/-
03.	Attendant, conveyance charges, food and nourishment	77,000/-
04.	Future medical expenses	70,000/-
05.	Loss of income during laid up period	1,02,000/-
06.	Medical expenses	12,98,502/-

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07.	Loss of future income	25,24,704/-
	Total	43,42,206/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.43,42,206/- as against Rs.32,06,822/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.11,35,384/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.11,35,384/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before

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the Tribunal within a period of six weeks from this day.

- iv) Out of the enhanced compensation 50% shall be kept in fixed deposit in the name of appellant/claimant in Karnataka Bank, Udupi Branch for a period of three years and remaining 50% shall be released to the claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP,DKB
List No.: 1 Sl No.: 24
Ct.sm