



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.4073 OF 2021(MV-I)

BETWEEN:

MR. VENUGOPALA A G
S/O LATE GOVINDAPPA
AGED 29 YEARS,
R/O AGRAHARA VILLAGE,
KADUR TALUK, CHIKKAMAGALURU DIST.

...APPELLANT

(BY SRI. NAGARAJA R.C, ADVOCATE)

AND:

1. MR. NAVEED AHAMED
S/O FAIZ ALI K.H
AGE: 54 YEARS,
R/O JOLDAL VILLAGE
CHIKKAMAGALURU TALUK & DISTRICT.

2. MRS NAZMA H.F
W/O SYED LIYAKAT ALI
AGE: 48 YEARS,
R/O NAZMA ESTATE JOLDAL VILLAGE,
CHIKKAMAGALURU TALUK & DISTRICT

3. UNITED INDIA INSURANCE COMPANY LTD.,
CHIKKAMAGALURU
REP BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADVOCATE FOR R3,
R1 & R2 - SERVED)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.09.2020 PASSED IN MVC NO.100/2019 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MACT, CHIKKAMAGALURU, 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 RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.2,12,592/- awarded by the Tribunal, vide judgment and award dated 21.09.2020 in MVC No.100/2019, is in appeal.
2. The fact that the accident occurred and the further fact that the offending vehicle was insured are 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 sufferings	10,000
2.	Conveyance charges	10,000
3.	Loss of future income	88,332
4.	Loss of amenities in life	10,000



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

5.	Injuries sustained	30,000
6.	Medical expenses	58,927
7.	Attendant charges	4,000
8.	Loss of income during the laid up period	1,333.32
	Total	2,12,592.32

4. The Tribunal, on analysis of medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 4.33% to the whole body.

5. I have perused the evidence of the Doctor - CW.1 and the wound certificate. The record indicates that the claimant sustained grievous injuries, including tenderness in the left elbow and forearm, superficial abrasion on both leg and hand and a fracture of 1/3rd of the radius.

6. Since the Doctor has assessed the disability of 13% to his left upper limb, I deem it to be just and appropriate to assess the disability at **5%**.

7. The Tribunal has rightly determined the income of the claimant at Rs.10,000/- notionally based on the escalation of



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

money value from the date of gazette notification in respect of minimum wages. Hence, the same is affirmed.

8. As the claimant was aged 28 years, a multiplier of '17' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,02,000/-** (Rs.10,000 x 12 x 17 x 5%) towards '*loss of future income*'.

9. As a consequence, the amount of Rs.1,333.32/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.30,000/-** (Rs.10,000 x 3 months) treating the laid up period to be three months.

10. Having regard to the injuries suffered by the claimant, he would be entitled to a sum of **Rs.40,000/-** towards '*pain and suffering*' as against Rs.10,000/- awarded by the Tribunal.

11. Having regard to the lasting effects of the injuries on the claimant, he would be entitled to a sum of **Rs.25,000/-** towards '*loss of amenities*', as against the sum of Rs.10,000/- awarded by the Tribunal.



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

12. The sum of **Rs.10,000/-** towards 'Conveyance' and the sum of **Rs.4,000/-** towards 'attendant charges' awarded by the Tribunal, being just and proper, stand affirmed.

13. The sum of **Rs.58,927/-** awarded by the Tribunal towards medical expenses, being based on documentary evidence, is affirmed.

14. Having regard to deformities of injuries, I deem it fit to award a sum of **Rs.10,000/-** towards '*future medical expenses*'

15. 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 sufferings	10,000	40,000
2.	Conveyance charges	10,000	10,000
3.	Loss of future income	88,332	1,02,000
4.	Loss of amenities in life	10,000	25,000



CNR: KAHC010309842021

NC: 2026:KHC:42962
MFA No. 4073 of 2021

5.	Injuries sustained	30,000	-
6.	Medical expenses	58,927	58,927
7.	Attendant charges	4,000	4,000
8.	Loss of income during the laid up period	1,333.32	30,000
9.	Future medical expenses	-	10,000
	Total	2,12,592	2,79,927

16. Thus, the claimant is held entitled to the total compensation of **Rs.2,79,927/-** as against Rs.2,12,592/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization.

17. 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.

Accordingly, the appeal is ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 31