



CNR: KAHC010323872022

NC: 2026:KHC:42023
MFA No. 5107 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5107 OF 2022 (MV-I)

BETWEEN:

SMT. MEENAKSHI
W/O MOHANA
AGED ABOUT 27 YEARS
R/A NO.39
DODDANAGAMANGALA VILLAGE
ELECTRONIC CITY POST
ANEKAL TALUK
BANGALORE-560100.

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. UNITED INDIA INSURNACE COMPANY LTD
REGIONAL OFFICE
T.P.HUB, KRISHI BHAVAN
6TH FLOOR, HUDSON CIRCLE
NRUPATHUNGA ROAD
BENGALURU-560001
BY ITS MANAGER.
2. SRI. SAI KUMAR P.K.,
S/O KARIYA P.,
MAJOR
(AGE R-2 NOT KNOWN TO APPELLANT)



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NO.430/1, SHIVA KUTIYA
KUMBHASHI
KUNDAPURA-576257
UDUPI DISTRICT.

...RESPONDENTS

(BY SRI. SHANKARA REDDY C., ADVOCATE FOR R-1;
NOTICE TO R-2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.25.03.2022 PASSED IN MVC
NO.212/2021 ON THE FILE OF THE XXIII ADDITIONAL SMALL
CAUSES JUDGE, MACT, BENGALURU, (SCCH-25).

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.96,900/- 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 total compensation of Rs.1,21,076/-with interest at



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6% per annum. However the Tribunal held that the claimant contributed 20% negligence towards the accident and hence she is entitled only to Rs.96,900/- (after deduction) with interest and awarded the compensation on the following heads:

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and suffering	35,000
2.	Medical expenses	16,604
3.	Loss of income during laid up period	1,667
4.	Loss of future income	23,805
5.	Loss of future amenities and happiness	17,000
6.	Attendant, conveyance, food and nourishment charges	17,000
7.	Future medical expenses	10,000
	Sub Total	1,21,076 rounded off to 1,21,100
	Less: 20% contributory negligence	24,220
	Total	96,880 rounded off to 96,900



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4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 7% to the whole body.

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate/disability certificate. Since the Doctor has assessed the disability at 14%, in view of the injuries suffered by the claimant, it would be just and appropriate to consider the disability at 14%. Accordingly, the disability suffered by the claimant would be at 14%.

6. The Tribunal has determined the monthly income, notionally at Rs.1,667/-. 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 2020, would be Rs.14,500/-.

7. As the claimant was aged 26 years, a multiplier of '17' would have to be applied. Consequently, the claimant would be



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entitled to a sum of **Rs.4,14,120/-** (Rs.14,500 x 12 x 17 x 14%) towards '*loss of future income*'.

8. As a consequence, the amount of Rs.1,667/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.43,500/-** (Rs.14,500 X 3).

9. 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.35,000/- awarded by the Tribunal.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.30,000/-** towards loss of amenities, as against the sum of Rs.17,000/- awarded by the Tribunal.

11. 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.23,000/-** as against the sum of Rs.17,000/- awarded by the Tribunal.



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12. The sum awarded as medical expenses at Rs.16,604/-, being based on documentary evidence, do not call for modification and hence confirmed.

13. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.15,000/-** towards future medical expenses, as against the sum of Rs.10,000/- awarded by the Tribunal.

14. However, the Tribunal placing reliance on the evidence of PW.1 and the spot sketch, marked as Ex.P.4, has saddled 20% negligence on the part of the injured claimant. The Tribunal opined that the injured had crossed the State Highway at a place where there was no zebra crossing and, therefore, attributed 20% contributory negligence to him. I have perused Exs.P3 and P4, i.e., the spot mahazar and the spot sketch. On a careful examination of the same, it is evident that the appellant-claimant had already crossed almost 80% of the road when the accident occurred. The driver of the offending car was proceeding on the right side of the road from South to North, though sufficient space was available on the left side of the road for him to pass the vehicle. In the circumstances, it can be



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presumed that the driver of the offending car was primarily responsible for the occurrence of the accident. However, the appellant-claimant was also not justified in crossing the State Highway at a place where there was no zebra crossing. Therefore, some degree of contributory negligence has to be attributed to him. Having regard to the facts and circumstances of the case, the contributory negligence on the part of the appellant-claimant is assessed at 15%, while the negligence on the part of the driver of the offending car is assessed at 85%.

15. Accordingly, the finding of the Tribunal with regard to contributory negligence is modified. The Insurance Company is liable to pay 85% of the compensation amount.

16. 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



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2.	Medical expenses	16,604
3.	Loss of income during laid up period	43,500
4.	Loss of future income	4,14,120
5.	Loss of future amenities and happiness	30,000
6.	Attendant, conveyance, food and nourishment charges	23,000
7.	Future medical expenses	15,000
	Sub Total	5,92,224
	Less: 15% contributory negligence	88,834
	Total	5,03,390

17. Thus, the claimant is held entitled to the total compensation of **Rs.5,03,390/-** as against Rs.96,800/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

18. 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.



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19. Registry is directed to send back the trial Court records.

The appeal is accordingly ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 SI No.: 18