



CNR: KAHC010329192021

NC: 2026:KHC:47824
MFA No. 4340 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.4340 OF 2021(MV-I)

BETWEEN:

KUMARI IMPANA E
D/O ESHWARAPPA
AGED ABOUT 14 YEARS
MINOR REPRESENTED BY HER FATHER GUARDIAN
SRI ESHWARAPPA S/O SANNNAPPA, 48 YEARS,
BOTH ARE RESIDING AT
NEAR URDU SCHOOL RAGAVENDRA BADAVANE
SORABA TALUK SORABA
SHIMOGGA DISTRICT-577 201

...APPELLANT

(BY SRI. CHANDRASHEKAR RODNAVAR, ADVOCATE)

AND:

1. THE NATIONAL INSURANCE COMPANY LTD.,
HARSHA COMPLEX
BH ROAD, SHIMOGA
POLICY NO.39010231156203796852
VALID -17/01/2017 TO 16/01/2018
2. IRFAN BHASHA
S/O SHABBIR AHMAD
AGED ABOUT 30 YEARS,

Digitally
signed by
PANKAJA S
Location:
HIGH COURT
OF
KARNATAKA



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R/O KULAMERA KERI,
JAYANAGAR
SHIKARIPURA TALUK
SHIMOGA DISTRICT
RIDER OF THE HERO HONDA FASHION PRO
BEARING NO.KA-15-X-3176

3. SMT FATHIMA
W/O MAQBOOR SAB
AGED ABOUT 40 YEARS,
R/O SOCIETY KERI
SHIKARIPURA TALUK,
SHIMOGA DISTRICT-577201
OWNER OF THE HERO HONDA FATHION PRO
BEARING NO-/X-3176

...RESPONDENTS

(BY SRI. LINGARAJ H.S, ADVOCATE FOR R1,
VIDE ORDER DATED 19.04.2023, NOTICE TO R2 & R3
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 29.04.2021 PASSED IN MVC
NO. 1048/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MEMBER, ADDITIONAL MACT,XIII, SORABA, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.81,802/- awarded by the Tribunal, vide judgment and award dated 29.04.2021 in MVC No.1048/2018, 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.	Towards medical expenses	32,582
2.	Towards transportation charges	4,220
3.	Towards pain and sufferings	25,000
4.	Towards attendant charges, food and nourishment and other miscellaneous expenses	20,000
	Total	81,802



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4 . The Tribunal has erred in not assessing any disability on account of the injuries sustained by the claimant. I have perused the evidence of CW.1-Doctor, the Ex.P7-wound certificate and Ex.C3-disability certificate. The wound certificate discloses that the claimant sustained the following injuries:

- i. Fracture of the right middle third of the femur;
- ii. Abrasion over the knee joint measuring 1 x 1 cm.

5. As per Ex.C3-disability certificate, CW.1-Doctor has assessed permanent disability of 20% to the right lower limb of the claimant. Having regard to the nature of the injuries sustained and the evidence of CW.1-Doctor, I deem it just and appropriate to assess the permanent disability of the claimant at 7%.

6. The Tribunal has not awarded any compensation under the head of 'loss of future income' on the ground



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that the claimant was a minor aged 11 years at the time of the accident. The said finding warrants interference in view of the judgment of the Hon'ble Apex Court in ***HITESH NAGJIBHAI PATEL VS. BABABHAI NAGJIBHAI RABARI AND ANOTHER***, in ***CIVIL APPEAL NO.10278/2025***, wherein it has been held that loss of income is required to be assessed even in a case involving a child who has suffered injuries or succumbed to the accident. In the instant case, the accident occurred at Kodakani Village, Soraba Taluk, which falls under Zone-III. As per the prevailing minimum wages under the Minimum Wages Act, the wages for skilled labour in Zone-III ranged from Rs.9,880/- to Rs.12,717/- per month. Accordingly, I deem it just and proper to assess the notional income of the claimant at Rs.11,000/- per month. Applying the multiplier of '15' and considering the disability at 7%, the claimant is entitled to a sum of **Rs.1,38,600/-** (Rs.11,000 x 12 x 15 x 7%) towards 'loss of future income'.



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7. 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.25,000/- awarded by the Tribunal.

8. Considering the nature of injuries suffered by the claimant and the lasting effect of the injuries on the claimant, I deem it just and appropriate to award a sum of **Rs.50,000/-** towards '*loss of amenities*'.

9. Having regard to the length of the stay of the claimant in the hospital, the claimant would be entitled to a sum of **Rs.25,000/-** towards '*food, nourishment, transportation charges and attendant charges*' as against sum of Rs.24,220/- awarded by the Tribunal.

10. The sum awarded as medical expenses at **Rs.32,582/-** being based on the documentary evidence, do not call for modification and hence confirmed.



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11. 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.	Towards medical expenses	32,582	32,582
2.	Towards food, nourishment, transportation charges and attendant charges	24,220	25,000
3.	Towards pain and sufferings	25,000	50,000
4.	Loss of future income	---	1,38,600
5.	Loss of amenities	---	50,000
	Total	81,802	2,96,182

12. Thus, the claimant is held entitled to the total compensation of **Rs.2,96,182/-** as against Rs.81,802/- along with interest at the rate of 6% per annum from the date of petition till its realization.



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13. 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 Sl No.: 37