



CNR: KAHC010337942022

NC: 2026:KHC:42024
MFA No. 5315 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.5315 OF 2022 (MV-I)

BETWEEN:

MEENAKSHI B.,
D/O LATE MALLIKARJUNA V.M.,
NOW AGED ABOUT 39 YEARS,
R/AT NO.29/1, 4TH MAIN,
5TH CROSS, RANGANATHAPURA,
KAMAKSHIPALYA,
BENGALURU 560 079.

...APPELLANT

(BY SRI. RANGEGOWDA N.R., ADVOCATE)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.,
NO.745, 1ST FLOOR,
MICO MAIN RAOD,
CHENNAKESHA NAGAR,
ELECTRONIC CITY,
BENGALURU 560 002.
2. P. JAYAKUMAR,
S/O P.PACHAIAPPAN,
AGED MAJOR,
R/AT NO.07, RCC 206/261,
S.G.M ROAD,



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CHAMARAJPET,
BENGALURU 560 018.

...RESPONDENTS

(BY SRI. MURALIDHARA N., 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 DATED 25.01.2022 PASSED IN MVC
NO.2767/2019 ON THE FILE OF THE IX ADDITIONAL SMALL
CAUSES JUDGE, MEMBER, MACT-7, BENGALURU SCCH-15.

THIS APPEAL, COMING ON FOR ORDERS, 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.4,49,810/- awarded by the Tribunal in MVC No.2767/2019 vide judgment and award dated 25.01.2022, 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 the following sums as compensation:



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Sl. No.	Particulars	Amount in (Rs.)
1.	Towards loss of future income	1,34,400
2.	Towards pain and sufferings	25,000
3.	Loss of income during the period of treatment, rest, food, nourishment and attendant charges	20,000
4.	Towards loss of amenities	20,000
5.	Towards hospital and medicine charges	2,50,410
	Total	4,49,810

4. The Tribunal, placing reliance on the evidence of PW.2-Doctor, Ex.P.3-Wound Certificate and Ex.P.5-Discharge Summary, has concluded that the claimant has suffered permanent disability to the extent of 8%. I have carefully perused Exs.P.3 and 5, as well as the photographs produced by the learned counsel for the appellant-claimant. The same clearly reveal that the great toe and the second toe of the left foot of the claimant have been amputated. In view of the nature of the injuries sustained, the claimant has suffered not only physical disability but also functional disability. Though the claimant is a homemaker, the impact of the amputation on her



functional capacity cannot be ignored. On re-appreciation of the evidence of PW.2, the contents of Exs.P.3 and P.5, and the photographs produced before this Court, I am of the considered view that the disability assessed by the Tribunal at 8% is on the lower side and requires enhancement. Accordingly, the disability sustained by the appellant-claimant is re-assessed at 17%.

5. The Tribunal has determined the monthly income of the claimant, notionally at Rs.10,000/-. 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 2019, would be Rs.14,000/-.

6. As the claimant was aged 45 years on the date of accident, multiplier of '14' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.3,99,840/-** (Rs.14,000 x 12 x 14 x 17%) towards '*loss of future income*'.



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7. As a consequence, the amount of Rs.20,000/- awarded by the Tribunal towards *'loss of income during the laid up period, food nourishment and attendant charges'* would also stand enhanced to **Rs.42,000/-** (Rs.14,000 X 3).

8. 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.

9. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards loss of amenities, as against the sum of Rs.20,000/- awarded by the Tribunal.

10. The sum awarded as medical expenses at Rs.2,50,410/-, being based on documentary evidence, do not call for modification and hence confirmed.

11. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.



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12. 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 loss of future income	1,34,400	3,99,840
2.	Towards pain and sufferings	25,000	50,000
3.	Loss of income during the period of treatment, rest, food, nourishment and attendant charges	20,000	42,000
4.	Towards loss of amenities	20,000	40,000
5.	Towards hospital and medicine charges	2,50,410	2,50,410
6.	Total	4,49,810	7,82,250

13. Thus, the claimant is held entitled to the total compensation of **Rs.7,82,250/-** as against Rs.4,49,810/-, along with interest at the rate of 6% per annum.



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14. The Tribunal on meticulous examination of records found that the offending vehicle was not having valid permit and in view of the law laid down by Hon'ble Supreme Court directed the insurance company to pay the compensation amount at the first instance and then recover the same from the insured - owner of the vehicle. The said finding of the Tribunal regarding 'Pay and recovery' is unaltered.

15. 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 with liberty to recover the same from respondent No.2 - owner of the offending vehicle.

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

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 Sl No.: 19