



CNR: KAHC010348962021

NC: 2026:KHC:47825
MFA No. 4648 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.4648 OF 2021(MV-I)

BETWEEN:

MOHAMMED SADIQ
S/O MOHEMMED RIYAZ
AGED ABOUT 26 YEARS
R/ATNO 224, 8TH CROSS
SHANTHINAGARA
MYSURU - 570 026

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. WASEEM SHOHAB
S/O NAWAB JAN AGED MAJOR
R/AT NO.37
HIG/B 4TH STAGE
KALYANAGIRI NAGAR
MYSURU - 570019



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2. UNITED INDIA INSURANCE CO. LTD
BY ITS MANAGER
MOTOR TP-HUB
NO.1134, PRINCE OF WALES ROAD
BALLAL CIRCLE
CHAMARAJPURAM
MYSURU - 570 005

...RESPONDENTS

(BY SRI. LAXMINARASAPPA, ADVOCATE FOR
SRI. A.M VENKATESH, ADVOCATE FOR R2,
VIDE ORDER DATED 22.04.2024 NOTICE R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 26.02.2021 PASSED IN MVC
NO. 904/2017 ON THE FILE OF THE PRINCIPAL JUDGE, COURT
OF SMALL CASES, AS A PRESIDING OFFICER, MOTOR
ACCIDENTS CLAIMS TRIBUNAL, C/c OF ADDITIONAL COURT OF
SMALL CAUSES, MYSURU, 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.2,61,500/- 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 the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Compensation towards pain, shock and sufferings	15,000
2.	Compensation towards loss of income during laid up period	14,000
3.	Compensation towards attendant charges, extra diet, nourishment and conveyance	7,000
4.	Compensation towards loss of amenities	5,000
5.	Compensation towards medical expenses	23,500
6.	Compensation towards loss of future income	1,97,000
	Total	2,61,500



CNR: KAHC010348962021

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MFA No. 4648 of 2021

4. The Tribunal, on analysis of the medical evidence, has rightly concluded that the claimant has suffered functional disability to the extent of 13% to the whole body.

5. The Tribunal has determined the monthly income, notionally at Rs.7,000/- per month. 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 2017, would be Rs.11,000/-

6. As the claimant was aged 22 years, the Tribunal has rightly applied a multiplier of '18'. Consequently, the claimant would be entitled to a sum of **Rs.3,08,880/-** (11,000 x 12 x 18 x 13%) towards '*loss of future income*' as against sum of Rs.1,97,000/-.

7. Consequently, the claimant would be entitled to **Rs.33,000/-** (Rs.11,000 X 3 months) towards '*loss of income during the laid up period*', treating the laid up period as three months.



CNR: KAHC010348962021

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MFA No. 4648 of 2021

8. Having regard to the injuries suffered by the claimant and its lasting effect, the claimant would be entitled to a sum of **Rs.60,000/-** towards '*pain and suffering*' as against Rs.15,000/- and **Rs.35,000/-** towards loss of amenities, as against the sum of Rs.5,000/- awarded by the Tribunal.

9. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'attendant charges, extra diet, nourishment and conveyance' at **Rs.15,000/-** as against the sum of Rs.7,000/- awarded by the Tribunal.

10. Considering the nature of injuries suffered by the claimant and its further treatment in the future, I deem it just and appropriate to award sum of **Rs.15,000/-** towards '*future medical expenses*'.

11. The sum awarded as medical expenses at **Rs.23,500/-** being based on the documentary evidence, do not call for modification and hence confirmed.

12. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:



CNR: KAHC010348962021

NC: 2026:KHC:47825
MFA No. 4648 of 2021

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Compensation towards pain, shock and sufferings	15,000	60,000
2.	Compensation towards loss of income during laid up period	14,000	33,000
3.	Compensation towards attendant charges, extra diet, nourishment and conveyance	7,000	15,000
4.	Compensation towards loss of amenities	5,000	35,000
5.	Compensation towards medical expenses	23,500	23,500
6.	Compensation towards loss of future income	1,97,000	3,08,880
7.	Future medical expenses	---	15,000
	Total	2,61,500	4,90,380

13. Thus, the claimant is held entitled to the total compensation of **Rs.4,90,380/-** as against Rs.2,61,500/-, along with interest at the rate of 6% per annum from the date of petition till its realization.



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MFA No. 4648 of 2021

14. 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 SI No.: 39