



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**MISCELLANEOUS FIRST APPEAL NO.4670 OF 2021(MV-I)**

**BETWEEN:**

H.B SIDDEGOWDA  
S/O BASAVARAJU  
AGED ABOUT 32 YEARS  
R/AT HAROHALLI VILLAGE  
KURUBARA BEEDI  
PANDAVARPURA TOWN & TALUK  
MANDYA DISTRICT- 571 434

...APPELLANT

(BY SRI. VIJAY KUMAR T, ADVOCATE)

**AND:**

THE MANAGER  
TATA AIG GIC LTD  
1<sup>ST</sup> FLOOR, SUNNY CENTER  
NO.374, NEW KALIDASA ROAD  
VIJAYANAGAR, 1<sup>ST</sup> STAGE  
MYSURU-570 017

...RESPONDENT

(BY SRI. S.V HEGDE MULKHAND, ADVOCATE FOR R1,  
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 08.04.2021 PASSED IN MVC  
NO.102/2019 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL  
JUDGE AND JMFC, PANDAVAPURA, PARTLY ALLOWING THE  
CLAIM PETITION FOR COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

Digitally signed by  
PANKAJA S  
Location: HIGH  
COURT OF  
KARNATAKA



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.10,83,963/- 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.      | Pain, shock and agony                                 | 50,000          |
| 2.      | Medical expenses                                      | 3,99,583        |
| 3.      | Food, diet, nourishment and other incidental expenses | 40,000          |
| 4.      | Conveyance Expenses                                   | 48,000          |
| 5.      | Future medical expenses                               | 1,00,000        |
| 6.      | Loss of income during treatment period                | 13,500          |
| 7.      | Towards permanent disability                          | 3,62,8800       |



|    |                                                                                      |                  |
|----|--------------------------------------------------------------------------------------|------------------|
| 8. | Towards discomfort, unhappiness, loss of life expectations, enjoyment of future life | 70,000           |
|    | <b>Total</b>                                                                         | <b>10,88,963</b> |

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered disability to the extent of 21% to the whole body.

5. I have perused the wound certificate - Ex.P7 and disability certificate-Ex.P51. The same depicts that the claimant has suffered poly trauma with left leg crush injury with Tibia shaft fracture. Diagnosed as post Traumatic - Necrotic Changes over skin - left.

6. Since the Doctor has assessed the disability at 60.5% to the particular limb, the Tribunal has assessed the disability at 21% to the whole body. Having regard to the nature of the injuries sustained by the claimant and having perused the medical records, I am of the considered view that the Tribunal has rightly assessed the disability at 21%. Accordingly, the disability suffered by the claimant would be at 21%.



7. The Tribunal has determined the monthly income, notionally at Rs.9,000/-. 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 2018, would be Rs.12,500/-. Since the claimant has suffered 21% disability and is aged 35 years, 40% future prospects requires to be added to the said income, which would be Rs.17,500/- (12,500 + 40%). Thus, the income of the claimant would be Rs.17,500/-.

8. As the claimant was aged 35 years, a multiplier of '16' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.7,05,600/-** (17,500 x 12 x 16 x 21%) towards '*loss of future income*'.

9. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.1,00,000/-** towards '*pain, shock and agony*' as against Rs.50,000/- awarded by the Tribunal.



10. In view of the nature of the injuries suffered by the claimant, it would be appropriate to take the laid up period as three months instead of one and half month. Thus, the amount of Rs.13,500/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.37,500/-** (12,500/- X 3).

11. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries suffered, the claimant would be entitled to a sum of **Rs.45,000/-** towards '*food, diet, nourishment and other incidental expenses*', as against the sum of Rs.40,000/- awarded by the Tribunal.

12. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.1,00,000/-** towards '*discomfort, unhappiness, loss of life expectations, enjoyment of future life*', as against the sum of Rs.70,000/- awarded by the Tribunal.



13. The sums awarded under the head '*medical expenses*', '*conveyance expenses*', '*future medical expenses*' remain unaltered.

14. 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, shock and agony                                                                | 50,000                           | 1,00,000                       |
| 2.      | Medical expenses                                                                     | 3,99,583                         | 3,99,583                       |
| 3.      | Food, diet, nourishment and other incidental expenses                                | 40,000                           | 45,000                         |
| 4.      | Conveyance Expenses                                                                  | 48,000                           | 48,000                         |
| 5.      | Future medical expenses                                                              | 1,00,000                         | 1,00,000                       |
| 6.      | Loss of income during treatment period                                               | 13,500                           | 37,500                         |
| 7.      | Towards permanent disability                                                         | 3,62,8800                        | 7,05,600                       |
| 8.      | Towards discomfort, unhappiness, loss of life expectations, enjoyment of future life | 70,000                           | 1,00,000                       |
|         | <b>Total</b>                                                                         | <b>10,83,963</b>                 | <b>15,35,683</b>               |

15. Thus, the claimant is held entitled to the total compensation of **Rs.15,35,683/-** as against Rs.10,83,963/-,



along with interest at the rate of 6% per annum from the date of petition till its realization.

16. 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.***

The amount, if any, deposited shall be transmitted to the Tribunal.

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

HKV  
List No.: 1 SI No.: 44