



CNR: KAHC010359102017

NC: 2026:KHC:49547-DB
MFA No. 4820 of 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF SEPTEMBER, 2026
PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND**

**THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA
MISCELLANEOUS FIRST APPEAL NO.4820 OF 2017(MV-I)**

BETWEEN:

SMT. ALICE JOHN
W/O JOHN MATHEW
AGED ABOUT 55 YEARS
RESIDING AT QUARTERS NO.18,
TYPE- II,
STS BSF,
AFS PO
YELAHANKA
BANGALORE - 63

...APPELLANT

(BY SRI. LOKESH S. G.,ADVOCATE)

AND:

1. SUNIL KUMAR
S/O MUKUNDAN
AGED ABOUT 27 YEARS
MAJOR,
RESIDING AT NO.84/85
OPP. KALASIPALYAM BUS STAND
M. N. ROAD,
BANGALORE - 02

Digitally
signed by
PAVITHRA N
Location:
High Court
of Karnataka



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2. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.
BEHIND KSRTC BUS STAND
IJOOR,
RAMANAGARA - 571511

...RESPONDENTS

(BY SMT. HARINI SHIVANANDA, ADV. FOR R2;
R1 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT, 1988,
AGAINST THE JUDGMENT AND AWARD DATED 04.03.2017
PASSED IN MVC NO.32/2015 ON THE FILE OF THE
ADDITIONAL SENIOR CIVIL JUDGE, RAMANAGARA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

This appeal is filed by the appellant- claimant seeking enhancement of compensation for the personal injuries suffered by her in a motor accident occurred on 14.11.2014. The claimant had filed the claim petition before the Additional Senior Civil Judge, Member, Additional MACT, Ramanagara ("the Tribunal" for short), seeking compensation of Rs.25,00,000/- for the injuries suffered by her in a motor accident occurred on 14.11.2014.

2. The Tribunal, after considering the oral and documentary evidence placed before it, has passed the impugned judgment and award, granting compensation of Rs.4,05,000/- under the following heads;

1	Expenses towards treatment, hospitalization, medicines and miscellaneous expenses	Rs.59,284-00
2	Nourishment and attendant charges	Rs.10,000-00
3	Loss of earnings during	Rs.28,000-00



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	period of treatment i.e., laid up period	
4	Future loss of future earnings on account of permanent disability	Rs.2,77,200-00
5	Pain and suffering	Rs.20,000-00
6	Loss of amenities and enjoyment of life	Rs.10,000-00
	Total	Rs.4,04,484-00

3. Learned counsel appearing for the appellant submits that considering the nature of the injuries suffered by the claimant, the compensation awarded by the Tribunal under the heads, loss of future earnings on account of permanent disability, pain and suffering, loss of amenities and loss of earning during the laid up period is on the lower side and requires enhancement.

4. Learned counsel appearing for the respondent-Insurance Company submits that the compensation awarded by the Tribunal is just and proper and does not require any enhancement.



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5. We have considered the submissions made on behalf of the claimant- appellant and the respondent- Insurance Company.

6. The Tribunal while assessing the compensation for the loss of future earning on account of permanent disability has taken into consideration the notional income of the claimant at Rs.7,000/- per month. We have noticed that the accident had occurred on 14.11.2014. As per the chart notified by the Legal Services Authority, the notional income to be taken in respect of accidents that occurred between 2014-2015 is in the range of Rs.8,500/- to Rs.9,000/-. Taking note of the same, we are of the opinion that the monthly income of the appellant- claimant shall be taken at Rs.8,500/- per month. Accordingly, the compensation under the head "**loss of future earning**" is assessed as follows;

$$\begin{aligned} & \text{Rs.8,500} \times 12 \times 11 \times 30\% \\ & = \text{Rs.3,36,600/-} \end{aligned}$$



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7. In view of the fact that the income of the appellant has been assessed at Rs.8,500/- per month, the compensation awarded under the head "loss of earnings during the laid-up period" is also required to be enhanced from Rs.7,000/- to Rs. 8,500/-. Thus, the "**loss of earning during the laid up period**" can be considered at Rs.8,500X4=**34,000/-**.

8. Learned counsel for the appellant submits that the appellant has incurred disability of 30% to the whole body, which is permanent in nature. The Tribunal has granted compensation of Rs.20,000/- for pain and suffering, which is not commensurate with the injuries suffered and pain undergone by the appellant. Therefore, we are of the opinion that the compensation under the head "**pain and suffering**" needs to be enhanced to **Rs.70,000/-** as against Rs.20,000/-.

9. Considering the nature of injuries and disability, we are of the opinion that the compensation awarded



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under the head **"loss of amenities"** needs to be enhanced from Rs.10,000/- to **Rs.20,000/-**. Accordingly, the total compensation to which the appellant is entitle to is as follows;

SL. No.	Particulars	Amount (Rs.)
1	Expenses towards treatment, hospitalization, medicines and miscellaneous expenses	59,284.00
2	Nourishment and attendant charges	10,000.00
3	Loss of earnings during laid up period	34,000.00
4	Loss of future earnings on account of permanent disability	3,36,600.00
5	Pain and suffering	70,000.00
6	Loss of amenities and enjoyment of life	20,000.00
	Total	5,29,884.00

10. The respondent No.2- Insurance Company is directed to deposit the enhanced compensation along with interest at the rate of 9% per annum from the date of the petition till the date of realization.



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11. in the result, the following;

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award passed by the Additional Senior Civil Judge, Member, Additional MACT, Ramanagara, is modified and the appellant is made entitled for total compensation of ***Rs.5,29,884/-*** as against ***Rs.4,04,484/-*** along with interest at the rate of 9% per annum from the date of petition till the date of payment.
- iii. Since the accident is of the year 2014, the entire enhanced compensation shall be released in favour of the appellant upon deposit of the same by the Insurance Company.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**