



CNR: KAHC010362622021

NC: 2026:KHC:46618
MFA No. 4895 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.4895 OF 2021(MV-I)

BETWEEN:

RAGHU G
S/O GANGARAJU,
AGED ABOUT 29 YEARS,
R/AT JAKKANAHALLI,
HOSAHALLI,
BENGALURU RURAL DISTRICT

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. RAJU H
S/O HANUMANTHARAYAPPA, A N,
R/AT 6TH THIGALABAGILU,
SHRI DHARMARAYASWAMY NAGARA,
DODDABALLAPURA,
BENGALURU RURAL DISTRICT 561203



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OWNER OF THE CAR BEARING REGN
NO KA-03-MS 6421

2. THE MANAGER
THE UNITED INDIA INSURANCE CO LTD,
5TH FLOOR,
KRUSHI BHAVAN,
NRUPATHUNGA ROAD,
NEAR HUDSON CIRCLE,
BENGALURU 560027

(POLICY NO 0716823117P113232717
VALID FROM 17-02-2017 TO 16-12-2018)

...RESPONDENTS

(BY SRI. K. SURESH, ADVOCATE FOR R2,
VIDE ORDER DATED 09.04.2022, NOTICE IS R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.01.2021 PASSED IN MVC
NO.6824/2018 ON THE FILE OF THE 12TH ADDITIONAL JUDGE
AND ACMM, COURT OF SMALL CAUSES, BENGALURU SCCH-8,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR 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.2,28,135/- 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.	Loss of future income	1,55,520
2.	Pain and sufferings	15,000
3.	Medical expenses	18,615
4.	Loss of amenities	25,000
5.	Loss during laid down period	9,000
6.	Food and nourishment, transportation charges and attendant charges	5,000
	Total	2,28,135

4. The Tribunal, on analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 8% to the whole body.



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5. I have perused the evidence of the Doctor - PW.2 and the wound certificate, the same depicts that the claimant has suffered from fracture of right middle thigh, lacerated wound right middle of the leg and 4th below right knee.

6. Since the Doctor has assessed the disability at 42% to the lower limb and 21% to the whole body, considering the nature of injuries and evidence of PW.2 and wound certificate, I deem it just and appropriate to consider the disability at 14%. Accordingly, the disability suffered by the claimant would be at 14%.

7. The learned counsel for the appellant submits that the Tribunal has erred in taking the income of the claimant at Rs.9,000/-, despite the claimant has produced Exs.P8 and P9 i.e., the salary certificate and pass book. According to that the claimant was earning a salary of Rs.9,100/- and he was earning a Rs.2,308/- i.e., excess income. Thus, the income of the claimant is to be taken at **Rs.11,408/-**.

8. As the claimant was aged 25 years, the Tribunal has rightly applied a multiplier of '18'. Consequently, the claimant



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would be entitled to a sum of **Rs.3,44,978/-** (11,408 x 12 x 18 x 14%) towards '*loss of future income*' as against the sum of Rs.1,55,520/- awarded by the Tribunal.

9. Consequently, the claimant would be entitled to sum of **Rs.34,224/-** (Rs.11,408 X 3 months) towards '*loss of income during the laid up period*', treating the laid up period as three months.

10. Having regard to the injuries suffered by the claimant and its lasting effect, the claimant would be entitled to a sum of **Rs.50,000/-** towards '*pain and suffering*' as against Rs.15,000/- and **Rs.30,000/-** towards loss of amenities, as against the sum of Rs.25,000/- awarded by the Tribunal.

11. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to '*food and nourishment, transportation charges and attendant charges*' at **Rs.15,000/-** as against the sum of Rs.5,000/- awarded by the Tribunal.

12. Having regard to the injuries suffered by the claimant and its further treatment in the future, I deem it just and



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appropriate to award a sum of **Rs.10,000/-** towards '*future medical expenses*'.

13. The sum awarded as medical expenses at **Rs.18,615/-** being based on the documentary evidence, do not call for modification and hence confirmed.

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.	Loss of future income	1,55,520	3,44,978
2.	Pain and sufferings	15,000	50,000
3.	Medical expenses	18,615	18,615
4.	Loss of amenities	25,000	30,000
5.	Loss during laid down period	9,000	34,224
6.	Food and nourishment, transportation charges and attendant charges	5,000	15,000
7.	Future medical expenses	---	10,000
	Total	2,28,135	5,02,817



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15. Thus, the claimant is held entitled to the total compensation of **Rs.5,02,817/-** as against Rs.2,28,135/-. The enhanced compensation amount shall carry 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.***

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

CR
List No.: 1 Sl No.: 10