



CNR: KAHC010405982020

NC: 2026:KHC:43316
MFA No. 2048 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 2048 OF 2021 (MV-I)

BETWEEN:

SRI. ANIL NAIK
@ ANIL KUMAR
S/O ANJINAPPA
AGED ABOUT 20 YEARS,
RESIDING AT KETHANAHALLI
CHIKKABALLAPURA,
BANGALORE RURAL

...APPELLANT

(BY SRI. R. LAKSHMANA, ADVOCATE)

AND:

1. SRI. NASIR PASHA
NO.105, 2ND MAIN,
5TH CROSS, ISLAMAPUR
HAL POST, BANGALORE NORTH,
BANGALORE - 560 017.

2. RELIANCE GENERAL INSURANCE COMPANY LTD.,
BY ITS REGIONAL MANAGER,
REGIONAL OFFICE,
NO.28, EAST WING,
5TH FLOOR, CENTENARY BUILDING,
M.G.ROAD, BANGALORE
PIN - 560 001.

...RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2
V/O DT. 07.02.2024, NOTICE TO R1 IS D/W)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.12.2019 PASSED IN MVC NO.6989/2018 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU SCCH-7, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA, 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.2,81,434/- awarded by the Tribunal in MVC.No.6989/2018 vide judgment and award dated 10.12.2019, 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 and sufferings	40,000



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2.	Actual medical expenses	1,07,754
3.	Special diet and conveyance	10,000
4.	Permanent disability	1,03,680
5.	Future medical expenses	20,000
	Total	2,81,434

4. The Tribunal, on analysis of medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 8% to the whole body. However, on careful perusal of the record, it is seen that the claimant has suffered lacerated wound over upper lip, loss of left upper incisor, abrasion over forehead and angle of left eye and fracture of shaft of right upper 1/3rd femur and has undergone closed reduction and internal fixation with I/L nailing for fractured right femur under S.A. Accordingly, the Doctor has assessed the disability to the right lower limb at 55% and to the whole body at 18%. In view of same, I deem it just and appropriate to assess the disability at **18%**.

5. The Tribunal has determined the monthly income, notionally at Rs.6,000/-. Since there is no credible



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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/-**.

6. As the claimant was aged about 18 years, a multiplier of '**18**' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.4,86,000/-** (Rs.12,500 x 12 x 18 x 18%) towards '*loss of future income*'.

7. The Tribunal has not awarded any sums towards loss of earnings during laid up period. As such, having regard to the injuries suffered by the claimant, I deem it just and appropriate to award a sum of **Rs.37,500/-** towards '*loss of income during the laid up period*' treating the laid up period as three months.

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 agony*' as against Rs.40,000/- awarded by the Tribunal.



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9. The Tribunal has not awarded any sums towards loss of amenities. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.30,000/-** towards loss of amenities.

10. The sum of **Rs.10,000/-** awarded towards special diet, conveyance and attendant charges and **Rs.20,000/-** awarded towards future medical expenses, being just and proper, are affirmed.

11. The sum of **Rs.1,07,754/-** awarded by the Tribunal towards medical expenses, being based on documentary evidence, is affirmed.

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.	Pain and agony	40,000	50,000
2.	Loss of future income	1,03,680	4,86,000
3.	Medical expenses	1,07,754	1,07,754
4.	Future medical expenses	20,000	20,000
5.	Loss of income during the laid up period	-	37,500



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6.	Conveyance, attendant charges	10,000	10,000
7.	Loss of amenities and nourishment	-	30,000
	Total	2,81,434	7,41,254

13. Thus, the claimant is held entitled to the total compensation of **Rs.7,41,254/-** as against Rs.2,81,434/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

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**

PKS
List No.: 1 Sl No.: 27