



CNR: KAHC010407312026

NC: 2026:KHC:51783
MFA No. 4456 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4456 OF 2026

(MV-I)

BETWEEN:

HABIBUR SHEIKH
AGED ABOUT 42 YEARS
S/O MAKEM SARKAR
R/AT. BHAGAWANGOLA
NATUN, NOWDA PARA, RAMPUR
MURSHIDABAD, RAMPUR
WEST BENGAL - 742 123.

NOW R/AT SUBASH NAGAR
KURKUL VILLAGE KAPU TQ
AND UDUPI- 574 105.

...APPELLANT



(BY SMT. SHRIDEVI SHETTY, ADVOCATE FOR
SRI DHANANJAY KUMAR, ADVOCATE)

AND:

1. SUDHARSHAN R PRABHU
AGED ABOUT MAJOR
M/S SARASWATH ENTERPRISES
PRABHU NILAYA, KURUDAI
PAMBOOR POST, KAPU TALUK
UDUPI DISTRICT - 576 116.

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JUDGE, HIGH COURT OF KARNATAKA



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2. THE BRANCH MANAGER
UNIVERSAL SAMPO GEN. INS. CO.LTD.,
1ST FLOOR, CITY TRADE CENTRE
TEMPLE ROAD, KADRI
MANGALORE – 575 002.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 29.06.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:23.1.2025 PASSED IN MVC No.357/2023 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND ACJM, ADDITIONAL MACT, UDUPI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 23.01.2025 passed in MVC No.357/2023 by the II Additional Senior Civil Judge and Additional MACT, Udupi.

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a

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JUDGE, HIGH COURT OF KARNATAKA



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road traffic accident occurred on 06.11.2022 contending that the accident occurred due to rash and negligent driving of the driver of Goods Tempo bearing registration No.KA-20/AA-5406. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Medical expenses	2,17,435/-
02.	Conveyance charges	10,500/-
03.	Food and nourishment	15,000/-
04.	Loss of earnings during the period of treatment	20,857/-
05.	Loss of future earnings	2,14,923/-
06.	Pain and sufferings	15,000/-
07.	Loss of amenities	10,000/-
08.	Future medical expenses	50,000/-
	Total	5,53,715/-
	Rounded off to	5,54,000/-

3. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

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JUDGE, HIGH COURT OF KARNATAKA



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MFA No. 4456 of 2026

4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. The accident occurred on 06.11.2022 and as on the date of accident, the claimant was aged 39 years. Considering the said age, the Tribunal has rightly taken multiplier '14'. The notional income fixed for the year 2022 is Rs.15,500/-p.m. and the Tribunal has rightly taken the said notional income. The claimant has sustained fracture of both bones right leg, fracture clavicle middle 1/3rd left, head injury – acute right subdural hemorrhage, fracture of bilateral temporal bones, facial nerve palsy left. Considering the said injuries which includes the head injury the compensation awarded towards pain and suffering in a sum of Rs.15,000/- is enhanced to Rs.1,50,000/- and the compensation awarded towards loss of amenities in a sum of Rs.10,000/- is enhanced to Rs.1,20,000/-.

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JUDGE, HIGH COURT OF KARNATAKA



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6. The claimant was admitted in the hospital for 13 days and considering the same the claimant is entitled to attendant, conveyance charges, food and nourishment in a sum of Rs.13,000/- (Rs.1,000 x 13 days) as against Rs.10,500/- towards conveyance charges and Rs.15,000/- towards food and nourishment awarded by the Tribunal.

7. PW.2 is the Doctor who has examined the claimant and issued Ex.P13 – disability certificate. PW.2 has stated that claimant is having 23.11% disability to the right lower limb and 15.33% to left upper limb. The Tribunal has taken 1/3 of 23.11% as total disability. The disability of the limbs is 38.44% (23.11 + 15.33) and 1/3rd of the same has to be taken to the whole body. Therefore, 1/3 of 38.44% is 12.8%. In view of the same, the loss of future income is calculated as under:

$$\text{Rs.15,500} \times 12 \times 15 \times 12.8\% = 3,57,120/-$$

8. PW.2 – Doctor has stated that claimant has sustained four fractures which includes head injury and as

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MFA No. 4456 of 2026

his avocation is tile laying work, he has to take rest atleast for 8 months. Considering the same, the claimant is entitled to loss of income during laid up period for 8 months in a sum of Rs.1,24,000/- (Rs.15,500 x 8 months). The Tribunal based on documents rightly awarded medical expenses and future medical expenses.

9. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of loss of income during laid up period	1,24,000/-
02.	Loss of future income	3,57,120/-
03.	Pain and suffering	1,50,000/-
04.	Loss of amenities	1,20,000/-
05.	Medial expenses	2,17,435/-
06.	Attendant, conveyance, food and nourishment	13,000/-
07.	Future medical expenses	40,000/-
	Total	10,21,555/-

10. Considering the above aspects, the claimant is entitled to total compensation of Rs.10,21,555/- as against Rs.5,54,000/- awarded by the Tribunal. Consequently, the claimant is entitled to enhanced

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JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010407312026

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MFA No. 4456 of 2026

compensation of Rs.4,67,555/- with interest at the rate of 6% per annum from the date of petition till realization. The claimant is not entitled to interest for the delay period of 409 days in filing the appeal as per order dated 29.06.2026 passed on I.A.1/2026. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.4,67,555/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

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CNR: KAHC010407312026

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- iv) Appellant/claimant is not entitled to interest for the delay period of 409 days in filing the appeal.
- v) The appellant/claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 39
Ct.sm