



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4504 OF 2026

(MV-I)

BETWEEN:

AISHATHUL SAFIKA
D/O. MAHAMMAD SHARIEF
AGED 20 YEARS, R/AT D. NO.GL 7/80
7TH BLOCK, KRISHNAPURA, KATIPALLA
SURATHKAL, MANGALURU.
PIN-575030

...APPELLANT

(BY SMT. POOJA PARVATHI, ADVOCATE FOR
SRI. G. RAVISHANKAR SHASTRY.,ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. MOHAMMED ISMAIL
S/O. LATE SAYYAD ADULT,
R/AT D.NO.5-58, PRIYADARSHINI ROAD
NEAR RAILWAY GATE, INDUSTRIAL AREA
BAIKAMPADY, MANGALURU
PIN-575 011.
2. UNITED INDIA INSURANCE COMPANY LTD.,
SREE VITTAL MAIN ROAD,
SURATHKAL, MANGALURU.
REP. BY ITS MANAGER.
PIN-57 5014.



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

3. MR. ABDUL KHADER
MAJOR, S.M. MANZIL,
ANGARAGUNDI, BAIKAMPADY
MANGALURU, D.K. DISTRICT.
PIN-575 011.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 30.06.2026, NOTICE TO R1 & R3
ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 4.11.2025
PASSED IN MVC NO. 1088/2024 ON THE FILE OF THE
MEMBER, MACT-III AND II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MACT, DAKSHINA KANNADA, MANGALURU,
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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking
enhancement of compensation awarded in the judgment
and award dated 04.11.2025 passed in MVC No.
1088/2024 by the II Additional District Judge and MACT,
Dakshina Kannada, Mangaluru.



CNR: KAHC010412992026

2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 08.01.2024 contending that the accident occurred due to the rash and negligent driving by the driver of bus bearing registration No. KA-19-AA-0387. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded global compensation of Rs.2,00,000/- including medical expenses with interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No.2 – Insurer to deposit the award amount. Claimant seeking enhancement of compensation has filed the present appeal.



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

4. Heard arguments of learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

5. Learned counsel for appellant would contend that claimant is a girl and she was aged 16 years as on the date of accident and she was studying in SSLC at the time of accident. Claimant has sustained injuries to her face and other parts of the body. P.W.2 – Doctor has assessed the disability of the claimant and issued Ex.P.8 – disability certificate and stated that she is having permanent physical disability at 20% with respect to face. The Doctor has also stated that the scar on the face has affected her marital prospects. She contends that considering that the claimant has sustained several injuries she is entitled to compensation under the heads 'pain and suffering' and 'loss of amenities'. Claimant was admitted in the hospital for 24 days and she is entitled for compensation under the head 'attendant and conveyance charges'. Since the injuries sustained by the claimant are on the face, it has



CNR: KAHC010412992026

affected her marriage prospects and therefore, she is entitled to compensation under the head 'loss of marriage prospects'. With this, she prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that the disability stated by P.W.2 – Doctor at 20% is with regard to face and it has not caused any functional disability. Therefore, claimant is not entitled to any compensation under the head 'loss of future income'. Considering the said aspect the Tribunal has rightly awarded global compensation of Rs.2,00,000/- including medical expenses of Rs.19,216/-. With this, he prayed to reject the petition.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and other materials placed on record.



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

8. The accident occurred on 08.01.2024 and as on the date of accident claimant was aged 16 years and was studying in SSLC.

9. P.W.2 – is the Doctor who has examined the claimant and he found the following injuries:

"a) Reddish abrasion of 2cm x 1cm on the nose

b) Reddish abrasion of 4cm x 3cm on the right side of forehead.

c) Reddish abrasion of 3cm x 3cm on the left side of forehead.

d) Reddish abrasion of 2cm x 1cm on the outer aspect of forehead.

e) Reddish contusion of 5cm x 5cm on the right cheek right black eye with CT scan dated 09.01.2024 showing fracture of right orbit, right maxilla, right sphenoid and left side of mandible and angle of mandible on right side.

f) Reddish abrasion of 2cm x 1cm on the chin.

g) Laceration of 1cm x 0.5cm x muscle deep on the inner aspect of lower lip

h) Reddish abrasion of 3cm x 3cm on the right elbow

i) Reddish abrasion of 4cm x 3cm on the right wrist.

j) Reddish abrasion of 2cm x 1cm on the back of left hand.



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

k) Reddish contusion of 6cm x 6cm on the lower part of abdomen.

1) Reddish abrasion of 5cm x 3cm on the lower part of right thigh

m) Reddish abrasion of 3cm x 2cm on the left knee."

10. Claimant underwent operation and was admitted in the hospital for 24 days. Therefore, claimant is entitled to compensation under the head 'attendant and conveyance charges, food, nourishment etc.,' in a sum of Rs.24,000/- (Rs.1,000 X 24 days).

11. Considering the injuries sustained by the claimant she is entitled to compensation under the head 'pain and suffering' in a sum of Rs.50,000/- and 'loss of amenities' in a sum of Rs.30,000/-. Claimant is entitled to medical expenses of Rs.19,216/-.

12. Claimant is a girl aged 16 years. Evidence of P.W. 2 – Doctor indicate that the injuries sustained by the claimant are on the face and other parts of the body and there is a scar on the face of the claimant. P.W.2 has



CNR: KAHC010412992026

NC: 2026:KHC:42683
MFA No. 4504 of 2026

stated that scar on the face will affect her marital prospects. Considering the said evidence, claimant is entitled to compensation under the head 'loss of marriage prospects' in a sum of Rs.3,00,000/-.

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

1	Pain and suffering	Rs.50,000.00
2	Loss of amenities	Rs.30,000.00
3	Medical expenses	Rs.19,216.00
4	Attendant and conveyance charges, food, nourishment etc.	Rs.24,000.00
5	Loss of marriage prospects	Rs.3,00,000.00
	Total	Rs.4,23,216.00

14. Considering the above claimant is entitled to total compensation of Rs.4,23,216/- as against Rs.2,00,000/- awarded by the Tribunal with interest. Consequently, claimant is entitled to enhanced compensation of Rs.2,23,216/- with interest at the rate of 6% p.a. from date of petition till the date of realization.



NC: 2026:KHC:42683
MFA No. 4504 of 2026

CNR: KAHC010412992026

Respondent No.2 – Insurer is liable to pay the said compensation with interest.

15. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,23,216/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 11
Ct.sm