



CNR: KAHC010450662026

NC: 2026:KHC:46038
MFA No. 4972 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4972 OF 2026 (MV-I)

BETWEEN:

SRI. SUNDAR NAIK
AGED ABOUT 61 YEARS,
S/O SRI. RANGAYYA NAIK,
R/AT. 1-126, NANDAR, KADUHOLE,
MINIYAL POST, MARNE VILLAGE,
KARKALA TALUK - 574 101.

...APPELLANT

(BY SRI. H. PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. SRI. PRASHANTH BELIRAYA
AGED ABOUT 57 YEARS,
S/O SRI. PRABHAKAR BELIRAYA,
R/AT 17TH CROSS, TELLAR ROAD,
NEAR RAGHAVENDRAPURA,
KARKALA TALUK.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
KARKALA BRANCH, PC. NO.29,
2ND FLOOR, SUSHILA SANJIV ENCLAVE,
NEAR KARNATAKA BANK,
MARKET ROAD, KARKALA.

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2;
V/O DATED 10.07.2026, NOTICE TO R1 IS DISPENSED WITH)



NC: 2026:KHC:46038
MFA No. 4972 of 2026

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 05.11.2024 PASSED IN MVC NO. 642/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AN ACJM AT KARKALA, 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 05.11.2024 passed in MVC No.642/2023 by the Senior Civil Judge and Addl.MACT, Karkala.

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 09.01.2023 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-20-Z-3839. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:



NC: 2026:KHC:46038
MFA No. 4972 of 2026

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	25,000/-
02.	Conveyance expenses	7,000/-
03.	Food and nourishment	6,000/-
04.	Attendant charges	6,000/-
05.	Medical expenses	1,40,850/-
06.	Future medical expenses	15,000/-
07.	Loss of income during laid up period	29,500/-
	Total	2,29,350/-

3. The Tribunal also awarded interest @ 6% p.a. 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.

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

5. Learned counsel for appellant would contend that the insured has sustained fracture of hip and other injuries. PW.3 – Doctor has assessed the disability at 16% to the right lower limb and inspite of that the Tribunal has not awarded loss of income due to disability. The claimant was a coolie and he has sustained fracture of hip and it has



affected his functional disability. He further submits that Tribunal has taken notional income at Rs.14,750/- but as per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken. The compensation awarded for pain and suffering, loss of income during laid up period and future medical expenses are on lower side. The Tribunal has not awarded loss of amenities. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2/insurer would contend that compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

7. Having heard the learned counsels, the Court has perused the judgment, award and deposition of PW.3 made available by learned counsel for the appellant.

8. The accident occurred on 09.01.2023 and as on the date of accident the claimant was aged 58 years. The



CNR: KAHC010450662026

multiplier applicable is '9'. The claimant has sustained laceration, pain over right hip, small wound over right toe and abrasion over right foot, abrasion over left leg near ankle, inter trochanteric fracture right hip. The claimant has undergone surgery and implants are fixed. PW.3 is the Doctor who has examined and assessed his disability and stated that claimant has sustained 16% disability to right lower limb. In spite of the said disability and the avocation of the claimant as coolie, the Tribunal has not awarded loss of income due to disability. Considering the said aspect, the claimant is entitled to loss of income due to disability. Since the occupation of the claimant is coolie and he is aged 58 years and the fracture is to the hip, the functional disability is to be taken at 10%. As the accident has taken place in the year 2023, as per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the said income has to be taken as against Rs.14,750/- taken by the



CNR: KAHC010450662026

NC: 2026:KHC:46038
MFA No. 4972 of 2026

Tribunal. Therefore, the compensation towards loss of income due to disability is calculated as under:

$$\text{Rs.}16,250 \times 12 \times 9 \times 10\% = \text{Rs.}1,75,500/-$$

9. Considering the injuries sustained by the claimant noted supra, the claimant is entitled to pain and suffering in a sum of Rs.50,000/- as against Rs.25,000/- awarded by the Tribunal. The Tribunal has not awarded loss of amenities. The claimant is entitled to loss of amenities of Rs.30,000/-. As the claimant has been admitted in the hospital for 9 days, he is entitled to attendant, conveyance, food and nourishment in a sum of Rs.9,000/- (Rs.1,000 x 9 days) as against compensation awarded by the Tribunal in a sum of Rs.7,000/- towards conveyance expenses, Rs.6,000/- towards food and nourishment and Rs.6,000/- awarded towards attendant charges. The Tribunal has rightly awarded medical expenses. PW.3- Doctor has stated that the claimant has to undergo operation for removal of implants and estimated the cost in a sum of Rs.40,000/-.



CNR: KAHC010450662026

NC: 2026:KHC:46038
MFA No. 4972 of 2026

Considering the said aspect the claimant is entitled to future medical expense of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. Considering the injuries sustained and the avocation of claimant as coolie, he is entitled to loss of income during laid up period for a period of four months in a sum of Rs.65,000/- (Rs.16,250/- x 4 months) as against Rs.29,500/- awarded by the Tribunal.

10. 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 income due to disability	1,75,500/-
02.	Pain and suffering	50,000/-
03.	Loss of amenities	30,000/-
04.	Attendant, conveyance charge, food and nourishment	9,000/-
05.	Medical expenses	1,40,850/-
06.	Future medical expense	30,000/-
07.	Loss of income during laid up period	65,000/-
	Total	5,00,350/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,00,350/- as against Rs.2,29,350/- awarded by the Tribunal with interest @ 6%



CNR: KAHC010450662026

p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.2,71,000/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for delay period of 505 days in filing the appeal as per order dated 27.08.2026 passed on I.A.No.1/2026. Respondent No.2/insurer is liable to pay the enhanced compensation with interest.

12. 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.2,71,000/- with interest @ 6% p.a. 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.



CNR: KAHC010450662026

NC: 2026:KHC:46038
MFA No. 4972 of 2026

- iv) Appellant/claimant is not entitled to delay period of 505 days in filing the appeal.
- v) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
CT:SM
List No.: 1 Sl No.: 12