



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.7084 OF 2022(MV-I)

BETWEEN:

ASHA. S
AGED ABOUT 48 YEARS,
W/O SUBRAMANYA SHETTY,
R/AT 566/6A, "SATHYADEVATHA NILAYA",
MELINA KABETTU, KARKALA,
KASBA VILLAGE, KARKALA TALUK-576 104.

...APPELLANT

(BY SRI. PAVANA CHANDRA SHETTY H, ADVOCATE)

AND:

1. PRASHANTH SHETTY
AGED ABOUT 39 YEARS,
S/O KUTTI SHETTY,
R/AT A/P-GB-11G, NO.176/178,
MAHANAGAR, 1 ORANGE PRIDE,
KHIWANSARA ESTATE, CIDCO TISGAON,
AURANGABAD, MH-431136.
2. THE BRANCH MANAGER
ROYAL SUNDARAM ALLIANCE INS.CO.LTD.,
VISHRANTHI MELARAM TOWERS,
NO.2/319, RAJIV GANDHI SALAI (OMR),
KARAPAKKAM, CHENNAI-600 097.

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R2,
VIDE COURT ORDER DATED 14/07/2026, NOTICE TO R1
IS DISPENSED WITH)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 01.06.2022 PASSED IN MVC NO. 564/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ACJM, 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 RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.2,12,039/- 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.	Towards pain and sufferings	90,000
2.	Towards conveyance, attendant charges and nourishing food	20,000
3.	Towards loss of income during laid up period	16,000
4.	Loss of future income	46,080



5.	Medical expenses	19,959
6.	Loss of amenities and discomfort	20,000
	Total	2,12,039

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

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate/disability certificate. The same depicts that the claimant has suffered grievous injury to her left lower limb.

6. Since the Doctor has assessed the disability to the whole body at 6%, it would be just and appropriate to consider the same. Accordingly, the disability suffered by the claimant would be at 6%.

7. The Tribunal has determined the monthly income, notionally at Rs.6,000/- per month. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by the Karnataka State Legal Services



Authority, which, for the accident of the year 2020, would be Rs.14,500/-

8. As the claimant was aged 44 years, a multiplier of '14' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,46,160/-** ($14,500 \times 12 \times 14 \times 6\%$) towards '*loss of future income*' as against sum of Rs.46,080/- awarded by the Tribunal.

9. Having regard to the nature of injuries suffered by the claimant, the claimant would be entitled to **Rs.43,500/-** ($14,500 \times 3$ months) towards '*loss of income during the laid up period*' as against sum of Rs.16,000/- awarded by the Tribunal.

10. Having regard to the lasting effect of the injuries suffered by the claimant, I deem it just and appropriate to award a sum of **Rs.25,000/-** towards '*loss of amenities*' as against sum of Rs.20,000/- awarded by the Tribunal.

11. The sum awarded as medical expenses at **Rs.19,959/-** being based on the documentary evidence, do not call for modification and hence confirmed.



12. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

13. 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.	Towards pain and sufferings	90,000	90,000
2.	Towards conveyance, attendant charges and nourishing food	20,000	20,000
3.	Towards loss of income during laid up period	16,000	43,500
4.	Loss of future income	46,080	1,46,160
5.	Medical expenses	19,959	19,959
6.	Loss of amenities and discomfort	20,000	25,000
	Total	2,12,039	3,44,619

14. Thus, the claimant is held entitled to the total compensation of **Rs.3,44,619/-** as against Rs.2,12,039/-,



along with interest at the rate of 6% per annum from the date of petition till its realization.

15. 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.: 19