



CNR: KAHC010480032026

NC: 2026:KHC:50400
MFA No. 5198 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5198 OF 2026

(MV-I)

BETWEEN:

SRI MANOJ
S/O KRISHNA
AGED ABOUT 25 YEARS
R/AT: DOOR No.2-67/2
NEAR B.C. RAO HOUSE
BEEJADI VILLAGE
KOTESHWARA POST
KUNDAPURA TALUK
UDUPI DISTRICT -576 201.

...APPELLANT

(BY SMT. JYOTI V, ADVOCATE FOR
SRI NAGARAJA H R, ADVOCATE)

AND:

1. SRI DINESH MOGAVEERA
S/O. BOLU MOGAVEERA
AGED ABOUT 43 YEARS
R/AT H.No.1-172
GIRIYA NAIK HOUSE
YADADI-MATHYADI VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT -576 201.
2. UNITED INDIA INSURANCE CO. LTD.,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:50400
MFA No. 5198 of 2026

CNR: KAHC010480032026

DIVISIONAL OFFICE
I FLOOR, MARUTHI VEETHIKA
UDUPI, UDUPI DISTRICT-576 101.
REP. BY ITS DIVISIONAL MANAGER.

...RESPONDENTS

(BY SRI A RAVISHNAKAR, ADVOCATE FOR R2
V/O DTD. 22.07.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:10.04.2026
PASSED IN MVC No.859/2024 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA, 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

This appeal is filed by the appellant -claimant seeking
enhancement of compensation awarded in judgment and
award dated 10.04.2026 passed in MVC No.859/2024 by
Senior Civil Judge and Additional MACT, Kundapur.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



learned counsel for appellant and learned counsel for respondent No.2 -insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 20.03.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-22/N-2643. 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.	NATURE OF THE HEADS	COMPENSATION
1	Loss of future income due to permanent disability. (Rs.14,000/-(notional income Pm)x12(months)x7.8%(disability)x18 (multiplier)=Rs.2,35,872/-)	Rs.02,36,000-00
2	Medical Expenses (rounded off amount of Rs.70,193/-)	Rs.00,75,000-00
3	Pain and suffering	Rs.00,60,000-00
4	Loss of amenities and happiness in life	Rs.00,10,000-00



CNR: KAHC010480032026

NC: 2026:KHC:50400
MFA No. 5198 of 2026

5	Loss of Earning during laid-off period	Rs.00,28,000-00
6	Extra nourishment and nutrition	Rs.00,10,000-00
7	Food, conveyance and attendants charges during treatment	Rs.00,10,000-00
8	Future Medical Expenses	Rs.00,25,000-00
Total		Rs.04,54,000-00

4. 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.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 -insurer.

6. The accident occurred on 20.03.2024 and as on the date of accident, the claimant was aged 23 years. Considering the said age, the Tribunal has rightly applied multiplier '18'. The notional income fixed for the year 2024 by Karnataka State Legal Services Authority is



Rs.17,000/- per month and the said income is to be taken as against Rs.14,000/- as taken by the Tribunal.

7. The claimant has sustained the following injuries:

- 1) Open injury to right palm
- 2) Right heel pad avulsion injury
- 3) right closed shaft of femur fracture
- 4) Minimal Sub-arachnoid hemorrhage.

Considering the said injuries, the claimant is entitled to compensation towards pain and suffering in a sum of Rs.80,000/- as against Rs.60,000/- as awarded by the Tribunal and loss of amenities in a sum of Rs.50,000/- as against Rs.10,000/- as awarded by the Tribunal. The Tribunal has awarded loss of income during laid up period of 02 months by taking income at Rs.14,000/- per month. Now, income taken at Rs.17,000/- per month. Therefore, the claimant is entitled to loss of income during laid up period in a sum of Rs.34,000/- (Rs.17,000/- x 02 months). The claimant has been admitted in the hospital for 20 days



and the Tribunal has awarded attendant charges etc., in a sum of Rs.10,000/- and extra nutrition and nourishment in a sum of Rs.10,000/- are just and proper. The Tribunal has awarded Rs.75,000/- towards medical expenses and that is also just and proper. The claimant has been fixed with implant and for removal of the same, the claimant has to undergo surgery and therefore, he is entitled to future medical expenses of Rs.30,000/- as against Rs.25,000/- as awarded by the Tribunal.

8. P.W.2 is doctor who has assessed the disability and stated that the claimant has sustained 39% disability to the right lower limb. As the disability stated by the doctor is to be lower limb, $\frac{1}{3}^{\text{rd}}$ of the same is to be taken as disability to the whole body. Therefore, disability to the whole body is taken at 13% ($\frac{1}{3}^{\text{rd}}$ of 39%) as against 7.8% as taken by the Tribunal. In view of the above, the loss of future income due to disability is calculated as under:



Rs.17,000/- x12x18x13% = Rs.4,77,360/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	80,000/-
02.	Towards Medical Expenses	75,000/-
03.	Towards attendant and conveyance charges	10,000/-
04.	Towards loss of amenities	50,000/-
05.	Towards loss of future income	4,77,360/-
06.	Towards loss of income during laid up period	34,000/-
07.	Towards extra nutrition and nourishment	10,000/-
08.	Towards Future Medical Expenses	30,000/-
Total		7,66,360/-

Considering the above aspects, the claimant is entitled to total compensation of Rs.7,66,360/- as against Rs.4,54,000/- as awarded by the Tribunal with interest at the interest of 6% per annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.3,12,360/- with interest at the rate of 6% per annum from the date of petition till



CNR: KAHC010480032026

NC: 2026:KHC:50400
MFA No. 5198 of 2026

realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

10. 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.3,12,360/- 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.
- iv) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 48
Ct.sm