



CNR: KAHC010485142026

NC: 2026:KHC:48025
MFA No. 5265 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5265 OF 2026

(MV-I)

BETWEEN:

SRI SABEEL
S/O. MOHAMMAD BHASHA
AGED ABOUT 27 YEARS
R/AT: HOUSE No.119
PURAVARGA, BHATKAL TALUK
UTTARA KANNADA DIST.- 581 320.

...APPELLANT

(BY SRI NAGARAJA H R, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. SRI PUSHPARAJ
S/O. K. GANAPA
AGED ABOUT 31 YEARS
R/AT: HOUSE No.4-157
AITHALAETTU
KOTESHWARA VILLAGE
KUNDAPURA TALUK
UDUPI DIST.-576 201.
2. THE NATIONAL INSURANCE CO. LTD.,
DIVISIONAL OFFICE



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UDUPI-576 201
REP. BY ITS
DIVISIONAL MANAGER.

...RESPONDENTS

(BY SRI H C VRUSHABENDRAIAH, ADVOCATE FOR R2
V/O DTD. 24.07.2026, NTOICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:24.02.2025
PASSED IN MVC No.1046/2020 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, ADDITIONAL DISTRICT JUDGE
AND ADDL. MACT, UDUPI.,(SITTING AT 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 24.02.2025 passed in MVC No.1046/2020 by
the Additional District Judge and Additional MACT, Udupi
(Sitting at Kundaupra).



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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 23.10.2020 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-20-V-9385. 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.	Loss of future income arising out of permanent disability	8,01,602/-
02.	Loss of income during the period of treatment	66,270/-
03.	Medical bill, conveyance, nutrition and attending charges	3,24,824/-
04.	Loss of amenities	10,000/-
05.	Pain and sufferings	15,000/-
06.	Future medical expenses	60,000/-
	Total	12,77,696/-



4. 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.

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

6. The accident occurred on 23.10.2020 and as on the date of the accident, the claimant was aged 21 years. The Tribunal has taken the income of the claimant at Rs.11,045/- p.m. based on minimum wages. As per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2020 is Rs.14,500/- and it is to be taken as against Rs.11,045/- taken by the Tribunal. The Tribunal has rightly added 40% towards future prospects and applied multiplier '18'.



7. Learned counsel for appellant has not challenged the disability taken by the Tribunal at 24%. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.}14,500+40\%=20,300 \times 12 \times 18 \times 24\% = \text{Rs.}10,52,352/-$$

8. The claimant has sustained the following injuries:

- Multiple injuries
- CLW over right lower thigh and knee (total 3) and 2 cm x 1 cm, 3 cm x 1 cm, 2 cm x 1 cm.
- Displaced fracture distal 3rd femur right side with loss of bone on postero lateral aspect of lower femur.
- Open fracture clavicle right side.
- Minimal IA fracture distal radius and radial styloid fracture right side fracture.
- Fracture patella right knee
- Left eye I/O diplopia

9. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.15,000/- requires to be enhanced to Rs.1,00,000/- and loss of amenities in a sum of Rs.10,000/- requires to be enhanced to Rs.70,000/-.



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10. The Tribunal has awarded loss of income during laid up period for six months. As now the income taken is Rs.14,500/-, the loss of income during laid up period comes to Rs.87,000/- (Rs.14,500 x 6 months). Considering that the claimant has to undergo two surgeries for removal of implant, the Tribunal has rightly awarded Rs.60,000/- towards future medical expenses. The Tribunal apart from awarding Rs.2,84,824.00, has awarded Rs.40,000/- towards attendant charges, food, diet and nourishment and conveyance. The claimant has been admitted in the hospital for 60 days and therefore, he is entitled to Rs.60,000/- (Rs.1,000 x 60 days) as against Rs.40,000/- awarded by the Tribunal. Therefore, the claimant is entitled to medical expenses of Rs.2,84,824/- and attendant, conveyance charges, food, diet and nourishment in a sum of Rs.60,000/-, totally Rs.3,44,824/- as against Rs.3,24,824/- awarded by the Tribunal.



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11. 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 future income	10,52,352/-
02.	Pain and suffering	1,00,000/-
03.	Loss of amenities	70,000/-
04.	Loss of income during laid up period	87,000/-
05.	Future medical expenses	60,000/-
06.	Medical expenses, food, nourishment, attendant and conveyance charges	3,44,824/-
	Total	17,14,176/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.17,14,176/- as against Rs.12,77,696/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.4,36,480/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.4,36,480/- 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.
- iv) The claimant is not entitled to interest for the delay period of 404 days delay in filing the appeal
- v) Appellant/claimant is entitled to release of entire enhanced compensation.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DKB
List No.: 1 Sl No.: 28