



CNR: KAHC010489312021

NC: 2026:KHC:45840
MFA No. 7050 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.7050 OF 2021(MV-I)

BETWEEN:

SHARUK KHAN A
S/O SYED ANWAR
AGED ABOUT 24 YEARS
R/AT NO.2/118, 6TH CROSS
MUSLIM BLOCK, N.H PALYA
J.P NAGAR, MYSORE-570008.

...APPELLANT

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. PRABHAKARA S
S/O CHIKKADEERAPPA
AGED ABOUT 43 YEARS
RESIDING AT RACHAPURA VILLAGE
KAIVARA HOBLI,
HIREKATTINAHALLI POST
CHINTHAMANI TALUK
CHIKKABALLAPURA-562 103.

2. HARISH KUMAR
S/O LATE KRISHNAPPA
AGED ABOUT 36 YEARS
RESIDING AT NO.156, 3RD BLOCK
RAMABAINAGARA, MYSURU-570 008

...RESPONDENTS

(R1, R2 - SERVED)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 29.06.2021 PASSED IN MVC NO.614/2017 ON THE FILE OF THE PRINCIPAL JUDGE, COURT OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.3,92,000/- awarded by the Tribunal in MVC No.614/2017 dated 29.06.2021, is in appeal.

2. The fact that the accident occurred and the further fact that the claimant sustained injuries in the said accident are not in dispute.

3. The Tribunal, on assessment of evidence, has awarded the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Compensation towards pain, shock and sufferings	15,000



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2.	Compensation towards loss of income during laid up period	12,000
3.	Compensation towards attendant charges, extra diet, nourishment and conveyance	7,000
4.	Compensation towards loss of amenities	5,000
5.	Compensation towards medical expenses	1,36,000
6.	Compensation towards loss of future income	1,97,000
7.	Compensation towards future treatment	20,000
	Total	3,92,000

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered functional disability to the extent of 13% to the whole body. Since the Doctor has assessed the visual disability at 30% and disability to both the limbs at 40%, the Tribunal has assessed the disability at 13% to the whole body. Having regard to the nature of the injuries sustained by the claimant and having perused the medical records including the evidence of PWs.2 and 3-Doctors, I deem it appropriate to assess the disability of the claimant at 30%.



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5. The Tribunal has determined the monthly income of the claimant, notionally at Rs.6,000/-. 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 Karnataka State Legal Services Authority, which, for the accident of the year 2016, would be Rs.9,500/-.

6. As the disability of the claimant is assessed at 30%, 40% future prospects requires to be added to the said income since the claimant was aged about 20 years, which would be **Rs.13,300/-** (9,500 + 40%).

7. As the claimant was aged 20 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.8,61,840/-** (13,300 x 12 x 18 x 30%) towards '*loss of future income*'.

8. Having regard to the injuries suffered by the claimant, I deem it just and appropriate to award a sum of **Rs.60,000/-** towards '*pain and suffering*' as against Rs.15,000/- awarded by the Tribunal.



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9. As a consequence, the claimant would be entitled to a sum of **Rs.28,500/-** towards '*loss of income during the laid up period*' (Rs.14,000 X 3 months) as against Rs.12,000/- awarded by the Tribunal, considering the laid up period as six months.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would also be entitled to a sum of **Rs.40,000/-** as against Rs.5,000/- towards '*loss of amenities*'.

11. The sums awarded as '*medical expenses*' at **Rs.1,36,000/-**, being based on documentary evidence, do not call for modification and hence confirmed.

12. The sums awarded under the heads '*attendant charges, extra diet, nourishment and conveyance*' and '*future treatment*' remain unaltered.

13. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:



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Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Compensation towards pain, shock and sufferings	15,000	60,000
2.	Compensation towards loss of income during laid up period	12,000	28,500
3.	Compensation towards attendant charges, extra diet, nourishment and conveyance	7,000	7,000
4.	Compensation towards loss of amenities	5,000	40,000
5.	Compensation towards medical expenses	1,36,000	1,36,000
6.	Compensation towards loss of future income	1,97,000	8,61,840
7	Compensation towards future treatment	20,000	20,000
	Total	3,92,000	11,53,340

14. Thus, the claimant is held entitled to the total compensation of **Rs.11,53,340/-** as against Rs.3,92,000/-, along with interest at the rate of 6% per annum from the date of petition till its realization, by excluding the interest on the sum awarded under 'future treatment'.



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15. The finding of the Tribunal in respect of saddling of liability to respondent Nos.1 and 2 that they are jointly and severally liable to pay the compensation remain undisturbed. Hence, respondent Nos.1 and 2 are 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**

HKV
List No.: 1 Sl No.: 6