



CNR: KAHC010491782026

NC: 2026:KHC:55883
MFA No. 5342 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.5342/2026 (MV-I)

BETWEEN:

1. SRI. SANDEEPA
S/O SANJEEVA POOJARI
AGED ABOUT 32 YEARS
R/AT. M.G.COLONI, BANNADI POST
VADDARSE VILAGE, UDUPI TALUK
UDUPI DIST-576101.

...APPELLANT

(BY SRI. NAGARAJA H.R. ADV.,)

AND:

1. SRI. KARTHIK
S/O VASUDEVA ACHARI
AGED ABOUT 29 YEARS
R/AT. MANJUNATHA NILAYA
YADABETTU, SASTHANA POST
MOODAHADU VILLAGE
UDUPI TALUK & DIST.-576101.
2. UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE
SREE LAXMI NARASIMHA COMPLEX
OPP. KSRTC DEPOT.,
NH-66, VODERAHOBLI
KUNDAPURA-576201
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

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(BY SMT. GEETHA RAJ, ADV., FOR R2
V/O/DTD:29.07.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 16.04.2025, PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, UDUPI (SITTING AT KUNDAPURA) IN MVC NO.423/2019 AND AWARD JUST AND REASONABLE COMPENSATION CONSIDERING THE GRAVITY OF THE INJURY, PERMANENT DISABILITIES AND ETC.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 16.04.2025 passed in MVC No. 423/2019 by the Additional District Judge and Additional MACT, Udupi.

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on

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03.08.2018 due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-20-EF-6715. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of future income arising out of permanent disability	Rs.3,40,200/-
2	Loss of income during the period of treatment	Rs.75,000/-
3	Medical bill, conveyance, nutrition and attending charges	Rs.2,19,329/-
4	Loss of amenities	Rs.10,000/-
5	Pain and suffering	Rs.20,000/-
	Total	Rs.6,64,529/-

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

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4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

5. The accident occurred on 03.08.2018 and as on the date of accident claimant was aged 25 years. Considering the said age of the claimant the Tribunal has rightly taken the notional income at Rs.12,500/- per month.

6. Claimant had sustained the following injuries:

- a. Laceration, 3 X 2 cm X muscle deep over the upper lip on left side, 0.5 cm medial to outer angle of mouth on left side
- b. Laceration, 0.5 X 0.5 cm X muscle deep over the midline over the lower lip
- c. Laceration, 6 X 1cm X bone deep present over forehead on right side, starting at root of nose place obliquely
- d. Laceration, 3 X 2.5 cm X subcutaneous tissue deep over the left side of face, 1 cm below the left eye

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- e. Abrasion, 4 X 2 cm reddish over suprasternal notch
- f. Superficial laceration, 1.5 X 0.5 cm over the medial aspect of right middle finger, 1.5 cm below the base of the finger
- g. Abrasion, reddish, 6 X 5 cm over the right side of chest 4 cm lateral to right nipple
- h. Swelling of size 6 X 4 cm over the dorsum of right hand
- i. Left sided black eye

7. Considering the said injuries compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.10,000/- is enhanced to Rs.80,000/-.

8. Claimant was admitted to the hospital for 26 days and medical expenses incurred by him is Rs.2,91,329/-. Considering the said aspect the Tribunal has rightly awarded said medical expenses and



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Rs.28,000/- towards attendant, conveyance charges, food, nourishment etc.

9. Considering the said injuries the Tribunal has rightly awarded loss of income during laid up period for a period of six months in a sum of Rs.75,000/-.

10. P.W.2 is the Doctor and he is a Maxillofacial Surgeon. He has examined the claimant, assessed his disability and stated that claimant had sustained 15% disability to the whole body. P.W.3 is Orthopedic surgeon who has examined the claimant and stated that claimant had sustained 12% disability to the right upper limb.

11. In cases of disability to the right upper limb, 1/4th of the same is to be taken as the disability to the whole body and therefore, disability to be taken is 3%. Therefore, disability to the whole body is 18% (15% + 3%). Disability to be taken to the whole body is 18% as against 9% taken by the Tribunal. Since disability is less

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than 20%, claimant is not entitled to future prospects as taken by the Tribunal at 40%.

12. In view of the same, loss of income due to disability is calculated as under:

$$12,500 \times 12 \times 18 \times 18\% = \text{Rs.}4,86,000/-$$

13. Considering the above aspects, claimant is entitled to enhanced compensation under various heads as under:

1	Pain and suffering	Rs.1,00,000.00
2	Loss of amenities	Rs.80,000.00
3	Loss of income during laid up period	Rs.75,000.00
4	Medical expenses	Rs.2,19,329.00
5	Loss of future income	Rs.4,86,000.00
	Total	Rs.9,60,329.00

14. Considering the above aspects claimant is entitled to total compensation of Rs.9,60,329/- as against Rs.6,64,529/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of

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Rs.2,95,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest for the delay period of 354 days in filing the appeal as per the order dated 07.10.2026 passed on I.A. No. 1/2026. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,95,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant – Claimant is not entitled to interest for the delay period of 354 days.
- d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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e) Appellant - claimant is entitled to release of entire
enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 20
CT:MS