



CNR: KAHC010500192022

NC: 2026:KHC:42529
MFA No. 7450 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.7450 OF 2022(MV-I)

BETWEEN:

SRI PRASAD
S/O SHIVANANDAIAH
AGED ABOUT 22 YEARS
R/AT BOMMANAHALLI VILLAGE
BELLAVI, TUMAKURU

...APPELLANT

(BY SRI. SATHISHA T, ADVOCATE)

AND:

1. SRI RAMESH V S
S/O LATE V.G SHANMUGAM
AGED ABOUT 54 YEARS
RESIDING AT NO.70
BEHIND MARUTHI TALKIES
B.G PALYA
TUMAKURU CITY
2. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD
BRANCH OFFICE
JAYADEVA COMPLEX
1ST FLOOR, B.H ROAD
TUMAKURU CITY
NOW REPRESENTED BY
THE REGIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD
REGIONAL OFFICE
NO. A-1, 5TH FLOOR, KRISHI BHAVAN
NEAR HUDSON CIRCLE
BENGALURU - 560 001

...RESPONDENTS

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:42529
MFA No. 7450 of 2022

CNR: KAHC010500192022

(BY SRI. K. NAGARAJAIAH, ADVOCATE FOR R2,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.21.09.2017 PASSED IN MVC NO.697/2016 ON THE FILE OF THE II ADDITIONAL DISTRICT JUDGE, MACT, TUMAKURU, 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.2,85,508/- awarded by the Tribunal in MVC No.697/2016 dated 21.09.2017, is in appeal.

2. The fact that the accident occurred and the further fact that the offending vehicle was insured 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.	Pain and sufferings, hardship and loss of amenities	1,00,000
2.	Medical expenses	1,39,008
3.	Food and Nourishment	10,000



CNR: KAHC010500192022

NC: 2026:KHC:42529
MFA No. 7450 of 2022

4.	Transportation charges	10,000
5.	Attendant charges	4,500
6.	Future medical expenses	20,000
	Total	2,83,508

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered functional disability to the extent of 10%.

5. I have perused the evidence of the Doctor-PW.2 and the wound certificate-Ex.P6. The same depicts that the claimant has suffered open fracture both bones left ankle and talar neck fracture.

6. Since the Doctor has assessed the permanent disability at 12% to the whole body, the Tribunal has rightly assessed the disability at 10% to the whole body.

7. The Tribunal has not awarded compensation under the head 'loss of future income', since the claimant was minor aged 16 years at the time of incident. The said finding of the Tribunal has to be interfered with in view of the subsequent judgment of the Hon'ble Apex Court in the case of **HITESH NAGJIBHAI PATEL Vs. BABABHAI NAGJIBHAI RABARI AND**



ANOTHER in Civil Appeal No.10278/2025, wherein it is held that the calculation of loss of income necessarily has to be made in a case involving a child having suffered injury or having passed away. Consequently, since the accident had occurred in Tumakuru District and as per the Minimum Wages Act prevailing as on the date of accident i.e., with effect from 01.04.2016 to 30.09.2016 for skilled labour, the minimum was fixed at Rs.390.87/- per day, which comes to Rs.8,726/- (390.87 X 30 days) per month. Accordingly, applying the multiplier of '18', the claimant would be entitled to a sum of **Rs.1,88,484/-** (Rs.8,726 x 12 x 18 x 10%) towards '*loss of future income*'.

8. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries suffered, it would be just and appropriate to treat the laid up period as 3 months. Thus, the claimant would be entitled to a sum of **Rs.26,178/-** (8,726 X 3) towards '*loss of income during the laid up period*'.

9. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries



CNR: KAHC010500192022

NC: 2026:KHC:42529
MFA No. 7450 of 2022

suffered, the claimant would be entitled to a sum of **Rs.25,000/-** towards '*food, nourishment, transportation charges and attendant charges*' as against Rs.24,500/-, awarded by the Tribunal.

10. The sum awarded as '*medical expenses*' at **Rs.1,39,008/-**, being based on documentary evidence, do not call for modification and hence confirmed.

11. The sums awarded under the heads '*pain and sufferings. hardship and loss of amenities*' and '*future medical expenses*' remain unaltered.

12. 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.	Pain and sufferings, hardship and loss of amenities	1,00,000	1,00,000
2.	Medical expenses	1,39,008	1,39,008
3	Food and Nourishment Transportation charges	10,000 10,000	25,000



CNR: KAHC010500192022

NC: 2026:KHC:42529
MFA No. 7450 of 2022

	Attendant charges	4,500	
6.	Future medical expenses	20,000	20,000
	Total	2,83,508	4,88,670

13. Thus, the claimant is held entitled to the total compensation of **Rs.4,88,670/-** as against Rs.2,83,508/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization. The appellant-claimant is not entitled for interest for the delayed period of 1057 days in filing this appeal.

14. 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.

Upon such deposit, the enhanced compensation shall be released in favour of the appellant-claimant.

The appeal is accordingly ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE