



CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF SEPTEMBER, 2026
BEFORE**

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 6568 OF 2023 (MV-I)

BETWEEN:

SRI. KRISHNA BAIRA NAIK
S/O BAIR NAIK,
AGED ABOUT 36 YEARS,
R/AT SANNABHAVI BENGRE,
ALIVEKODI POST,
BHATKAL TALUK,
U.K.DISTRICT.

...APPELLANT

(BY SRI. NAGARAJA HEGDE.,ADVOCATE)

AND:

1. SRI. ANNAPPA NAIK
S/O NAGAPPA,
AGED ABOUT 43 YEARS,
R/O BADRAMENE,
KAIKINI POST,
BHATKAL TALUK,
U.K.DISTRICT.

2. THE UNITED INDIA INSURANCE CO. LTD
BRANCH OFFICE, KUNDAPURA,
SRI LAXMI VENKATESH COMPLEX,
NH - 66, VADERHOBLI,
KUNDAPURA,
REPRESENTED BY ITS
BRANCH MANAGER.

...RESPONDENTS

(BY SRI. S.V.HEGDE MULKHAND., ADVOCATE FOR R2(V/C)
V/O DATED 05.10.2023, NOTICE TO R1 IS DISPENSED WITH)

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CNR: KAHC010502742023

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.01.2023 PASSED IN MVC NO. 78/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION BARRED BY TIME.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the appellant/claimant not satisfied with the compensation amount awarded in M.V.C.No.78/2020 dated 10.01.2023 on the file of the learned Senior Civil Judge and Additional Motor Accident Claims Tribunal, Kundapura (for short, 'the Tribunal').
2. Parties would be referred with their ranks as they were before the Tribunal for the sake of convenience and clarity.
3. The case of claimant before the Tribunal in nutshell is that when he was the pillion rider of motorcycle

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

bearing Reg.No.KA-47/R-9026 on 02.06.2019 at 13.30 hours near Sabathi Cross, Murdeshwara, Bhatkal Taluk, met with an accident because of the rash and negligent driving of driver of tempo bearing Reg.No.KA-47-1280 came from Bhatkal side towards Honnavara and dashed against the motorcycle on NH-66 by crossing the barricade and thereby, caused the accident. Due to the accident, claimant has sustained grievous injuries and taken treatment at KMC Hospital, Manipal twice and he was working as coolie at the time of accident. Because of the accident, he could not do any work. Hence, claimed compensation under different heads.

4. Along with this MVC No.78/2020, two more MVC Nos.103 & 104 of 2020 were clubbed together and common judgment was pronounced.

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

5. The present claimant was examined as PW3 and examined the Doctor, the member of medical board as PW4 before the Tribunal.
6. Respondent Nos. 1 and 2 have filed their objection statements wherein, they have denied the contentions of the claimant.
7. After framing of issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimant is entitled for total compensation of Rs.11,96,360/- under following heads towards injuries suffered by him in the accident.

1	Loss of future income due to disability (14,000+40%=19,600x12x15x20%)	Rs.7,05,600.00
2	Towards pain and suffering	Rs.90,000.00
3	Towards medical expenses	Rs.2,63,760.00
4	Loss of income during laid up period	Rs.42,000.00
5	Towards loss of amenities	Rs.30,000.00
6	Towards conveyance, diet and attendants charges	Rs.25,000.00
7	Towards future medical expenses	Rs.40,000.00
	Total	Rs.11,96,360.00

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CNR: KAHC010502742023

8. Not satisfied with the said compensation, the claimant is before this Court.
9. Heard arguments of both sides.
10. The learned counsel for the appellant Sri Nagaraja Hegde would submit that the claimant has sustained several fractured injuries; one of the members of the Medical Board is examined as PW4, who has issued disability Certificate as per Ex.P.56, holding that the disability to particular limb is permanent and it is at 39%; however, claimant could not do the work of coolie as he was doing earlier and thus, there is 80% functional disability to the claimant. However, the Tribunal has considered only 20% disability to the whole body and thus the compensation awarded by Tribunal towards 'loss of future income due to disability' is improper.
11. The learned counsel for the appellant would further submit that, even the compensation awarded under



CNR: KAHC010502742023

other hands was on lower side. Hence, prayed for allowing the appeal and to enhance the compensation.

12. The learned counsel for respondent No.2 Sri S.V.Hegde Mulkhand appeared through VC would submit that the disability assessed by the doctor at 39% to the particular limb and thus, there cannot be 80% disability to the whole body and considering these aspects, the Tribunal has rightly assessed 20% disability to the claimant and awarded compensation which requires no interference. Even under other heads, the compensation awarded by Tribunal is on higher side. Hence prays for dismissal of the petition.

13. Having heard arguments of both sides and verifying appeal papers the point that arises for consideration is:

"Whether the claimant is entitled for enhancement of compensation?"

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

14. Finding of this Court is in '**Affirmative**' for the following:

REASONS

15. The factum of accident; the accused sustained injuries in the said accident and he was pillion rider of the motor cycle at the time of accident are not in dispute.

16. Ex.P14 - wound Certificate reveals that claimant has sustained 4 injuries and out of them Injury No. 1, 3 and 4 are considered as grievous injuries.

17. The claimant was inpatient in Kasturba Hospital, Manipal from 02.06.2019 to 18.06.2019. Ex.P15 discharge summary reveals that claimant has sustained '*Comminuted fracture of the frontal bone involving the anterior wall of bilateral frontal sinuses. Comminuted fracture of the roof of bilateral orbits is noted. Comminuted fracture of the nasal septum is noted. Comminuted fracture of the medial wall of*

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

bilateral orbit is noted. Blown out fracture of the floor of left orbit is noted. Comminuted fracture of the medial wall of bilateral maxillary sinus is noted. Comminuted fracture of the bilateral nasal bones is noted. Soft tissue density with hyperdense areas within is noted in bilateral frontal, ethmoidal, maxillary and sphenoid sinus- s/o hemosinus. Soft tissue swelling is noted around the fractured bones. Rest of bones and soft tissues are normal. No trauma related injury to the cervical spine in the present study. No neuroparenchymal pathology detected in present study. Craniofacial fractures as reported in other series. Lower extremity, pelvis, upper extremity. Mild pneumocephalus is seen. A thin rim of acute subdural hemorrhage is also seen along the left fronto-parietal convexity. Minimal acute subarachnoid hemorrhage is also seen along the cerebellar foliae on both sides. Prominence of extradural spaces is seen along the visualised part of

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

upper cervical spine- possibly due to intracranial hypotension secondary to CSF leak. Rest of the findings are same as the previous scan dated 02.06.2019. Orthopaedic implants are noted in the form of rods and nails is noted transfixing the distal end of femur and mid shaft of tibia. Comminuted posteriorly displaced fracture of the distal shaft of femur is noted. Comminuted posteriorly displaced fracture of the head of fibula is noted. Comminuted posteriorly displaced intra-articular fracture of proximal end of tibia is noted involving both tibial plateau, intercondylar eminence and metaphysis- s/o Schatzker's type VI tibial plateau fracture. Mild soft tissue swelling with fracture fragments around the fracture site is noted. Joints are normal. Rest of the bones are normal alignment. Rest of the soft tissues are normal.'

18. Afterwards claimant was examined by the Medical Board of Udupi and doctors issued the certificate as

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

per Ex.P.56. According to this document, there is 39% disability to the left lower limb of the claimant. Ex.P.59 is the certificate issued by Manipal College of Dental Sciences, wherein it is stated that there is 22% disability to the claimant due to fracture of frontal bone involving inner and outer tables. However, the doctor who issued this document is not examined. Hence, this document cannot be considered.

19. Learned counsel for appellant places reliance on the judgment of High Court of Bombay in the case of ***Mukesh v/s Mohd. Nafis Sheikh and Others***¹, wherein, the judgment of Hon'ble Apex Court in the case of ***Rajkumar v/s Ajay Kumar***² was relied. In that judgment at paragraph No.16, paragraph No.18 of the said judgment of ***Rajkumar (supra)*** is extracted as follows:

¹ 2025 SCC Online Bom 5132

² (2011) 1 SCC 343



CNR: KAHC010502742023

"16. It is pertinent to note that in respect of permanent disability, the Hon'ble Supreme Court in the case of Rajkumar (supra) has considered this aspect and held in paragraph No. 18 as under:

"18. The Tribunal should also act with caution, if it proposed to accept the expert evidence of doctors who did not treat the injured but who give "ready to use" disability certificates, without proper medical assessment. There are several instances of unscrupulous doctors who without treating the injured readily given liberal disability certificates to help the claimants. But where the disability certificates are given by duly constituted Medical Boards, they may be accepted subject to evidence regarding the genuineness of such certificates. The Tribunal may invariably make it a point to require the evidence of the doctor who treated the injured or who assessed the permanent disability. Mere production of a disability certificate or discharge certificate will not be proof of the extent of disability stated therein unless the doctor who treated the claimant or who medically examined and assessed the extent of disability of the claimant, is tendered for cross-examination with reference to the certificate. If the Tribunal is not satisfied with the medical evidence produced by the Claimant, it can constitute a Medical Board (from a panel maintained by it in consultation with reputed local hospitals/medical colleges) and refer the claimant to such Medical Board for assessment of the disability."

According to the Hon'ble Supreme Court, it is sometimes become difficult for the Claimants to produce the specific evidence of the doctors who were busy in their work and find difficult to attend the Court proceeding. Therefore, the Hon'ble Supreme Court has held that in such cases, if the Doctor who has treated the Claimant and medically examined and assessed the extent of disability of Claimant and who was cross-examined with reference to



CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

the Certificate, the Court can accept the evidence of such doctor about the disability caused to the Claimant in the matter. The said evidence cannot be thrown away merely because disability certificate was not given by duly constituted medical board."

20. Learned counsel for appellant places reliance on the judgment of High Court of Rajasthan in the case of **Pappu Saini v/s Sumer Singh Gurjar and Others**³ paragraph No.5 is extracted as follows:

" 5. The claim-petition was filed by the claimant Pappu Saini seeking compensation on account of permanent disability suffered by him in a motor vehicle accident which occurred on 10.05.2014. There is no dispute that the accident occurred due to the rash and negligent driving of the Tractor bearing registration No. RRD-8457 by its driver. The appeal, therefore, is confined to quantum of compensation. It appears that the Tribunal assessed the permanent physical disability suffered by the claimant at 70% whereas as per the permanent disability certificate (Ex.14), the claimant had suffered permanent physical disability to the extent of 100%. The claimant had sustained four grievous injuries including the cervical spine injuries. The claimant had deposed before the Tribunal that he is totally bed ridden and cannot make any movement

³ 2021 SCC Online Raj 753



CNR: KAHC010502742023

and his life become a hell. He is as good as a dead body. Despite, the oral and documentary evidence available on record, the Tribunal has reduced the percentage of permanent disability by 30% and compensation has been assessed as if the claimant has sustained 70% permanent disability. The reasons assigned by the Tribunal in this regard is that no doctor has been examined to prove the permanent disability certificate. The approach of the learned Tribunal is not lawful. The certificate issued by the Medical Board was not required to be proved by examining any of the issuing doctor. The certificate of a Medical Board carries a presumption of truth unless duly rebutted by the opponent. Admittedly, in the present case, the non-claimants/respondents have not produced any evidence to rebut the same. Hence, permanent disability suffered by the claimant is assessed as 100%. In the present case, there is no dispute that the claimant was aged about 20 years at the time of the accident. Although, the claimant had alleged that at the time of accident he was doing the work of mechanic and was earning Rs. 15,000/- per month, but to prove the same, no documentary evidence was produced by him. The Tribunal assessed the income of the claimant at Rs. 5000/- per month. However, at the relevant time, prevalent rate of minimum wages fixed by the State Government was Rs. 4914/- per month. Therefore, the income of the claimant is assessed as Rs. 4914/- per month i.e. Rs. 58,968/- per annum. Keeping in view the fact that the claimant had suffered 100% permanent disability, therefore, in the light of the judgment of the Hon'ble Apex Court in National Insurance

Digitally Signed By:
K B GEETHA



CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

Company Limited v. Pranay Sethi, reported in (2017) 16 SCC 680 : AIR 2017 SC 5157, an addition of 40% of the aforesaid income is to be added towards future prospects of the claimant. Thus, the annual income of the claimant comes to Rs. 82,555.20/- (58968+23587.20). Keeping in view the age of the claimant at the time of accident, multiplier of 18 would be applied to work out the compensation. In this way, the amount of compensation comes to Rs. 14,85,994/- (82555.20 × 18). The claimant, in addition to the above, is liable to be granted Rs. 2,00,000/- towards pain and sufferings, Rs. 2,00,000/- towards loss of amenities, Rs. 1,00,000/- towards future medical treatment, Rs. 50,000/- towards extra nourishment and Rs. 1,00,000/- for future attendant's expenses. The amount awarded by the Tribunal towards medical attendant expenses incurred during medical treatment Rs. 28,200/- and towards medical bills Rs. 44,731/- is maintained. Thus, the total amount of compensation receivable by the claimant comes to Rs. 22,08,925/- (1485994 + 28200 + 44731 + 200000 + 200000 + 100000 + 50000 + 100000)."

21. In the instant case Ex.P.56 reveals only 39% disability to particular limb. As per the evidence of PW4 there is 80% functional disability to the claimant. However, this evidence of PW4 cannot be considered as proper because certificate is issued by

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CNR: KAHC010502742023

the said doctor along with other members of the board wherein it is held that the disability to the claimant is 39% to the left lower limb.

22. Furthermore, in the cross-examination, the claimant has deposed that on the date of giving evidence, he climbed stairs and came to the Court without the assistance of walking stick. But he volunteered that he had taken the assistance of his cousin brother. The evidence of PW3 coupled with Ex.P.56 and evidence of doctor reveals that there shall be only 39% disability to particular limb and it cannot be taken as 80% to the whole body. Considering the nature of disability and the nature of the occupation of claimant, 20% taken by the Tribunal is on lower side and it shall be taken at 30%.

23. Income of claimant was taken at Rs.14,000/- by the Tribunal by placing reliance on the chart prepared by KSLSA, which require no interference. As the

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CNR: KAHC010502742023

disability to the claimant is on higher side, the Tribunal has taken 40% future prospects by placing reliance on ***National Insurance Company Ltd., v/s Pranay Sethi & Others***⁴ case, which also requires no interference.

24. The Tribunal by considering the Aadhar Card of the claimant has taken his age as 36 years. In the Aadhar Card, date of birth is mentioned of deceased is mentioned as 24.11.1983 and the accident has taken place on 02.06.2019. Thus, as on that date, the claimant has completed 35 years but not completed 36 years. In this regard, the learned counsel for appellant by placing reliance on the judgment of Hon'ble Apex Court in ***Samsun Bee v/s United India Insurance Co. Ltd.***⁵ would submit that only the completed age is to be taken as the age of claimant to decide the relevant multiplier.

⁴ (2017) 16 SCC 680

⁵ LAWS (SC)-2026-2-100



CNR: KAHC010502742023

25. In this regard, in the aforesaid judgment at paragraph No.9, the Apex Court held as follows : -

*"9. On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**:*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 9 of Sarla Verma read with para 21 of the said judgment. For the sake of completeness, para 21 is extracted below :

(42). We, therefore, hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as

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CNR: KAHC010502742023

been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate authorities are tasked with determining the possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the age of 36 years, for example if he was aged 36 years and 3 days."

26. By placing reliance on the above judgment, the Co-ordinate Bench of this Court in ***The Manager, Magma HDI General Insurance Company Ltd.***

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

***v/s Nilima Dilip Haldar @ Nilima Krishna Roy
and others⁶*** held as follows :

"10. Learned counsel for the appellant contended that the Tribunal committed a grave error in applying the multiplier of '17' as the deceased had crossed 30 years of age and according to the learned counsel for the appellant, appropriate multiplier ought to be '16'. It is difficult to accept the above contention of the appellant. The multiplier of '17' would be adopted if the deceased is aged between 25 to 30 years and multiplier '16' would be adopted if the deceased was aged between 31 to 35 years. In the instant case, the deceased had crossed 30 years but had not attained the age of 31 years. Therefore, the Tribunal is justified in adopting the appropriate multiplier of '17'. The above view is supported by the recent decision of the Hon'ble Apex Court reported in **2026 ACJ 532** in the case of **SAMSUN BEE AND OTHERS v/s UNITED INDIA INSURANCE CO. LTD. AND OTHERS**. In the said case also deceased was age 45 years 3 months, as such, it was contended that the multiplier '13' is to be adopted and not multiplier '14'. Refuting the said contention, the Hon'ble Apex Court categorically stated that though the deceased had crossed 45 years of age, he had not attained the age of 46 years, held that the multiplier adopted at '14' is proper. Relevant paragraphs 9 and 10 reads as follows:

⁶ MFA No.683/2026 dtd 17.06.2026



CNR: KAHC010502742023

*"9. On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**:*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 9 of Sarla Verma read with para 21 of the said judgment. For the sake of completeness, para 21 is extracted below :

(21). We, therefore, hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly

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CNR: KAHC010502742023

entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate authorities are tasked with determining the possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the age of 36 years, for example if he was aged 36 years and 3 days.

10. *This view would further the (sic) object and purpose of Motor Vehicle Act which is undoubtedly a beneficial legislation. In **K.H. Nazar v. Mathew K. Jacob (2020) 14 SCC 126**, the law was succinctly stated as follows:*

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CNR: KAHC010502742023

"11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341]. The Act should receive a liberal construction to promote its objects. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573 and Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335]. ...

xxx

xxx

xxx

(13) While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified and then a construction that suppresses the problem and advances the remedy should be adopted. [Indian Performing Rights Society Ltd. v. Sanjay Dalia, (2015) 10 SCC 161 : (2016) 1 SCC (Civ) 55] It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] . It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council, 2008 HCA 48 : (2008) 237 CLR 285] , Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly."

27. By placing reliance on the aforesaid judgments, this Court holds that as the claimant had not completed 36 years as on the date of accident, his age is to be construed as 35 and the applicable multiplier is '16' rather than '15'.
28. Hence, the claimant is entitled for **Rs.11,28,960** $(14,000 + 40\% = 19,600 \times 12 \times 16 \times 30\%)$ under the head 'loss of future earnings'.
29. PW4 -the Doctor has stated that claimant requires 8 to 10 months rest. However, the Tribunal has awarded 'loss of income during laid off period' only for 3 months. Considering the evidence of PW4, nature of injury sustained by the claimant, he

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CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

requires at least 6 months rest. Hence, claimant is entitled for **Rs.84,000/-** under this head instead of Rs.42,000/- awarded by the Tribunal.

30. As far as 'pain and sufferings', medical expenses' 'conveyance, diet, attendants charges' and 'future medical expenses', the compensation awarded by the Tribunal is proper and requires no interference.

31. The Tribunal, considering the medical bills and prescriptions produced before it, has awarded Rs.2,63,760/- towards medical expenses which require no interference.

32. As far as 'loss of amenities' is concerned, claimant is entitled for **Rs.50,000/-** instead of Rs.30,000/- awarded by the Tribunal.

33. Hence, the claimant is entitled for total **Rs.16,81,720/-** under following heads:



CNR: KAHC010502742023

SI No	Compensation Heads	Amount in Rs.
1	Loss of future income due to disability (14,000+40%=19,600x12x16x30%)	11,28,960.00
2	Towards pain and suffering	90,000.00
3	Towards medical expenses	2,63,760.00
4	Loss of income during laid up period	84,000.00
5	Towards loss of amenities	50,000.00
6	Towards conveyance, diet and attendants charges	25,000.00
7	Towards future medical expenses	40,000.00
	Total	16,81,720.00

34. Hence, this Court passes the following:

ORDER

- a. The appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part.***
- b. Judgment and award passed in M.V.C.No.78/2020 dated 10.01.2023 on the file of the learned Senior Civil Judge and Additional Motor Accident Claims Tribunal, Kundapura is

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K B GEETHA



CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

modified holding that the claimants are entitled for total compensation of **Rs.16,81,720/-** as against Rs.11,96,360/- awarded by the Tribunal.

- c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.
- d. The Insurance Company shall deposit the compensation amount with accrued interest before the Tribunal within the period of eight weeks from the date of receipt of certified copy of this judgment.
- e. Disbursement and deposit shall be as per the award of the Tribunal.
- f. No order as to costs.
- g. Draw modified award accordingly.

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K B GEETHA



CNR: KAHC010502742023

NC: 2026:KHC:50765
MFA No. 6568 of 2023

h. Registry to transmit TCR to the Tribunal
forthwith.

Digitally Signed By:
K B GEETHA

(GEETHA K.B.)
JUDGE

SPV
List No.: 1 SI No.: 48