



CNR: KAHC010504742022

NC: 2026:KHC:36527
MFA No. 7545 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.7545 OF 2022 (MV-I)

BETWEEN:

SUHAIL,
S/O VAZEER HUSSAIN,
NOW AGED ABOUT 22 YEARS,
R/AT GONIBEEDU VILLAGE,
MOODGERE TALUK,
CHIKKAMAGALURU DISTRICT,
PRESENTLY R/A C/O AARIF HUSSAIN,
BEHIND P AND T QUARTERS,
5TH CROSS,
SHANKARIPURAM,
NEAR MINI VIDANASOUDHA,
HASSAN TOWN, HASSAN.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. VAZEER HUSSAIN,
MAJOR,
S/O ALI AKBAR,
R/A GONIBEEDU VILLAGE,
MOODGERE TALUK,
CHIKKAMAGALURU DISTRICT-577132.



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2. THE MANAGER,
UNITED INDIA INSURANCE CO., LTD.,
2ND FLOOR,
VENKATESHWARA BUILDING,
B.M., HASSAN-573201.
3. ANISH E,
MAJOR,
S/O ILIYAZ,
R/A NO.168, KRISHNAPURA,
HALEMOODGERE TALUK,
MOODGERE TALUK,
CHIKKAMAGALUR DISTRICT-577132.

...RESPONDENTS

(BY SRI.P.B.RAJU, ADVOCATE FOR R-2;
V/O/D 15.07.2026 NOTICE TO R-1 AND R-3 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 30.05.2022 PASSED IN MVC
NO.805/2018 ON THE FILE OF THE 5TH ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MACT, HASSAN.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.86,400/- awarded by the Tribunal in MVC No.805/2018 vide judgment and award dated 30.05.2022, is in appeal.
2. The fact that the accident occurred and the further fact that the offending vehicle was insured is not in dispute.
3. The Tribunal, on assessment of evidence, has awarded total compensation of Rs.86,400/-.
4. The Tribunal has not awarded any compensation on the head of loss of future income for the reason that the disability certificate has not been produced by the claimant. However, on careful examination of the evidence of PW.2 - Doctor and the wound certificate marked at Ex.P3 and case sheet at Ex.P9 and the MLC report at Ex.P8 coupled with the evidence of PW.2 Doctor, the claimant has suffered following deformities:
 1. Right Hip and knee movements restricted and painful.
 2. No able to lift the weight and walk



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3. Patient is not able to squat
4. Patient is not able to walk for longer distance.
5. X-ray taken and it shows fracture malunited and ligament repair done.

5. The Doctor has categorically stated that injured sustained 30% disability to the particular limb. Despite, the Tribunal has not considered the evidence of PW.2 solely on the ground that disability certificate has not produced. In view of Exs.P8 and P9, I am of the considered view that the Tribunal has erred by not considering the disability. As such, the findings of the Tribunal to that effect is liable to be modified and the disability is taken at 10% to the whole body. Accordingly, the claimant is entitled for 'loss of future income'.

6. The Tribunal has not determined the monthly income. 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 2018, would be Rs.12,500/-.



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7. As the claimant was aged 22 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.2,70,000/-** (12,500 x 12 x 18 x 10%) towards '*loss of future income*'.

8. As a consequence, an amount of **Rs.37,500/-** is awarded towards '*loss of income during the laid up period*' (Rs.12,500 X 3) treating the laid up period as three months.

9. Having regard to the injuries suffered by the claimant and the lasting effect of the same on the claimant, it would be just and appropriate to award a sum of **Rs.50,000/-** towards '*pain and suffering*' and **Rs.30,000** towards loss of amenities.

10. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to '*Conveyance, food and nourishment and attendant charges*' at **Rs.11,400/-**.

11. The sum awarded as medical expenses at Rs.40,000/-, being based on documentary evidence, do not call for modification and hence confirmed.



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	Amount (Rs.)
1.	Towards Loss of future income	2,70,000
2.	Towards Pain and sufferings	50,000
3.	Conveyance, food and nourishment and attendant charges	11,400
4.	Towards medical expenses	40,000
5.	Towards income during laid up period	37,500
6.	Towards loss of amenities	30,000
	Total	4,38,900

13. Thus, the claimant is held entitled to the total compensation of **Rs.4,38,900/-** as against Rs.86,400/-, along with interest at the rate of 6% per annum from the date of petition till its realization.



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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.

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

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 SI No.: 8