



CNR: KAHC010512612019

NC: 2026:KHC:44356
MFA No. 1104 of 2020
C/W MFA No. 1095 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1104 OF 2020(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.1095 OF 2020(MV-I)

IN MFA No. 1104/2020

BETWEEN:

SRI. KUMAR
S/O SIDDASHETTY
AGED ABOUT 41 YEARS
R/O BYRAPURA VILLAGE,
T.NARASIPURA TALUK,
MYSURU DISTRICT-570 001.

...APPELLANT

(BY SRI. MANJUNATH N.D, ADVOCATE)

AND:

1. SRI. KIRAN
S/O SANJEEVKUMAR
AGED ABOUT 28 YEARS,
R/AT D.NO.12/S4,
SRI NARAYANA APARTMENT V
ENKATESWARA NAGARA, 1ST STAGE,
VIRUGAMBAKKAM,
CHENNAI-600 092
TAMILNADU STATE.
2. S.GIRIJA
D/O SANJEEVKUMAR
AGED ABOUT 39 YEARS,
R/AT D.NO.12/S4,
SRI NARAYANA APARTMENT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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VENKATESWARA NAGARA EXTN-1
VIRUGAMBAKKAM, CHENNAI 600 092
TAMILNADU STATE.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R3,
VIDE ORDER DATED 22.06.2023, NOTICE TO R1 & R3
ARE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.04.2018 PASSED IN MVC
NO.441/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, M.A.C.T., T.NARASIPURA, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 1095/2020

BETWEEN:

SRI. RAJU
S/O GURUSIDDAIAH
R/O D NO 75 NEW EXTN,
BYRAPURA VILLAGE, T
.NARASIPURA TALUK,
MYSURU DISTRICT-570 001.

...APPELLANT

(BY SRI. MANJUNATH N.D, ADVOCATE)

AND:

1. SRI. KIRAN
S/O SANJEEVKUMAR
AGED ABOUT 27 YEARS,
R/AT D.NO.12/S4,
SRI NARAYANA APARTMENT
VENKATESWARA NAGARA,
1ST STAGE, VIRUGAMBAKKAM
CHENNAI 600 092, TAMILNADU STATE



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2. S.GIRIJA
D/O SANJEEVKUMAR
AGED ABOUT 38 YEARS
R/AT D.NO.12/S4
SRI NARAYANA APARTMENT
VENTESWARA NAGAR EXTN-1,
VIRUGAMBAKKAM,
CHENNAI-600 092.
TAMILNADU STATE
3. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
NO.363 1ST FLOOR,
GURUKAR DEVAMMA STREET,
FORT MOHALLA MYSURU-570 004.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R3,
VIDE ORDER DATED 22.11.22, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 27.04.2018 PASSED
IN MVC NO.442/2016 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND JMFC AND MACT, TIRUMAKUDALU
NARASIPURA, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THESE APPEALS, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals are arising out of common judgment
and award dated 27.04.2018 passed in MVC No.441/2016 and
MVC No.442/2016 by the Court of Senior Civil Judge and MACT,



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Tirumakudalu Narasipura (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petitions filed by the claimants by awarding compensation of Rs.6,63,057/- in MVC No.441/2016 and Rs.4,55,731/- in MVC No.442/2016 with interest at the rate of 9% per annum. MFA No.1104/2020 is preferred by the claimant in MVC No.441/2016 and MFA No.1095/2020 is preferred by the claimant in MVC No.442/2016. Being dissatisfied with the compensation awarded by the Tribunal, the claimants are in appeals.

2. The fact that the accident occurred and further fact that the offending vehicle was insured are not in dispute.

IN MFA NO.1104/2020

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

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and suffering	50,000
2.	Loss of amenities	30,000
3.	Loss of income during laid up period	21,000
4.	Attendant's charges, diet, conveyance	14,000



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5.	Medical bills and hospitalization charges	2,91,657
6.	Future medical expenses	80,000
7.	Loss of future income	1,76,400
TOTAL		6,63,057

4. The Tribunal, on an analysis of medical evidence, has concluded that the claimant has suffered disability to the extent of 15% to the whole body. Having regard to the injuries suffered by the claimant and having considered the evidence of PW.3-Docotor, I am of the considered view that the Tribunal has rightly assessed the disability of the claimant at 15%.

5. The Tribunal has determined the monthly income of the claimant at Rs.7,000/-. 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 2015, would be Rs.9,000/-.

6. As the claimant was aged 43 years, the Tribunal has rightly applied a multiplier of '14'. Consequently, the claimant would be entitled to a sum of **Rs.2,26,800/-** (9,000 x



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12 x 14 x 15%) towards '*loss of future income*' as against the sum of Rs.1,76,400/-.

7. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.60,000/-** towards '*pain and suffering*' as against Rs.50,000/- awarded by the Tribunal.

8. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*loss of amenities*' as against Rs.30,000/- awarded by the Tribunal.

9. Having regard to the length of the stay of the claimant in the hospital, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*Attendant's charges, diet, conveyance*' as against Rs.14,000/- awarded by the Tribunal.

10. As a consequence, the amount of Rs.21,000/- awarded by the Tribunal towards '*loss of income during laid up period*' would also sand enhanced to **Rs.27,000/-** (9,000 X 3 months) treating the laid up period as three months.



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11. The sum of **Rs.2,91,657/-** awarded by the Tribunal towards '*medical bills and hospitalization charges*' being based on documentary evidence, is affirmed.

12. The sum awarded under the head '*future medical expenses*' remain unaltered.

13. 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 suffering	50,000	60,000
2.	Loss of amenities	30,000	40,000
3.	Loss of income during laid up period	21,000	27,000
4.	Attendant's charges, diet, conveyance	14,000	40,000
5.	Medical bills and hospitalization charges	2,91,657	2,91,657
6.	Future medical expenses	80,000	80,000
7.	Loss of future income	1,76,400	2,26,800
TOTAL		6,63,057	7,65,457

14. Thus, the claimant is held entitled to the total compensation of **Rs.7,65,457/-** as against Rs.6,63,957/-. The



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enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization.

IN MFA NO.1095/2020

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

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and suffering	50,000
2.	Loss of amenities	30,000
3.	Loss of income during laid up period	14,000
4.	Attendant's charges, diet, conveyance	11,000
5.	Medical bills and hospitalization charges	2,24,731
6.	Loss of future income	1,26,000
TOTAL		4,55,731

2. The Tribunal, on an analysis of medical evidence, has concluded that the claimant has suffered disability to the extent of 10% to the whole body. Having regard to the injuries suffered by the claimant and having considered the evidence of PW.3-Docotor, Ex.P11-wound certificate and Ex.P14-discharge summary that the claimant has sustained disc space reduction



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at C6-C7 vertebra, degenerative marginal osteophytes noted at CR, C%, C6 vertebra and fracture of anterior and posterior bony margins of foramen transversarium of C4 vertebra on right side, I deem it appropriate to assess the disability of the claimant at 15% instead of 10%, as assessed by the Tribunal.

3. The Tribunal has determined the monthly income of the claimant, notionally at Rs.7,000/-. 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 2015, would be Rs.9,000/-.

4. As the claimant was aged 40 years, the Tribunal has rightly applied a multiplier of '15'. Consequently, the claimant would be entitled to a sum of **Rs.2,43,000/-** (9,000 x 12 x 15 x 15%) towards '*loss of future income*' as against the sum of Rs.1,26,000/-.

5. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of



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Rs.60,000/- towards '*pain and suffering*' as against Rs.50,000/- awarded by the Tribunal.

6. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*loss of amenities*' as against Rs.30,000/- awarded by the Tribunal.

7. Having regard to the length of the stay of the claimant in the hospital, the claimant would be entitled to a sum of **Rs.20,000/-** towards 'Attendant's charges, diet, conveyance' as against Rs.11,000/- awarded by the Tribunal.

8. As a consequence, the amount of Rs.14,000/- awarded by the Tribunal towards '*loss of income during laid up period*' would also sand enhanced to **Rs.27,000/-** (9,000 X 3 months) treating the laid up period as three months.

9. The sum of **Rs.2,24,731/-** awarded by the Tribunal towards '*medical bills and hospitalization charges*' being based on documentary evidence, is affirmed.



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11. 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 suffering	50,000	60,000
2.	Loss of amenities	30,000	40,000
3.	Loss of income during laid up period	14,000	27,000
4.	Attendant's charges, diet, conveyance	11,000	20,000
5.	Medical bills and hospitalization charges	2,24,731	2,24,731
6.	Loss of future income	1,26,000	2,43,000
TOTAL		4,55,731	6,14,731

12. Thus, the claimant is held entitled to the total compensation of **Rs.6,14,731/-** as against Rs.4,55,731/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization.

13. 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 in both the appeals.



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14. The appeals are accordingly ***allowed in part.***

The apportionment of compensation amount shall be in terms of the award of the Tribunal in both the appeals.

Pending I.As., if any, stand disposed of.

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

HKV
List No.: 1 Sl No.: 3