



CNR: KAHC010512872026

NC: 2026:KHC:46658
MFA No. 5530 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5530 OF 2026
(MV-I)

BETWEEN:

JAFAR SADIQ
S/O MOHAMMAD GOUSE,
AGED ABOUT 23 YEARS,
R/AT 2ND CROSS, N.T.ROAD,
OPP.SUNDAR ASHRAYA,
MARNAMIBYLU,
SHIVAMOGGA - 577 201.

PRESENTLY R/AT 2ND CROSS,
AMANATH NAGARA,
SULEBYLU,
SHIVAMOGGA - 577 201.

...APPELLANT

(BY SMT. MANJULADEVI R. KAMADDOLLI, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. S. HUSEN
S/O LATE KADARBYARI,
AGED ABOUT 61 YEARS,
R/AT NO.3-236-1, SALVA RESIDENCY,
SUHANA MANZIL, SURAL PADI,
BADAGULI PADI VILLAGE, KANNIKABLE POST,
MANGALURU TALUK - 575 001.
V.T.C.KANDAVARA,
DAKSHINA KANNADA DISTRICT.



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2. P.BASKAR RAI,
S/O LATE KUNGANARAI,
AGED ABOUT 52 YEARS,
OWNER OF DURGA TRANSPORT,
NEAR SWATHI PETROL BUNK, PANAMBURU,
MANGALURU CITY - 575 001.
3. THE UNIVERSAL SOMPO GENERAL INSURANCE
COMPANY LTD., (L)
M.KUNHANNARAI, SHRI DURGA TRANSPORT,
KATEELESHWARI BUILDING, PANAMBURU,
MANGALURU - 575 001.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R3;
VIDE ORDER DATED 11.08.2026, NOTICE TO R1 & R2 IS }
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.09.2024 PASSED IN MVC
NO.522/2023 ON THE FILE OF THE I ADDITIONAL DISTRICT
JUDGE AND ADDITIONAL MACT-I, SHIVAMOGGA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 19.09.2024 passed in MVC No.522/2023 by I Additional District Judge and Additional MACT-I, Shivamogga.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.3/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 23.05.2023 contending that the accident occurred due to rash and negligent driving by the driver of Car bearing registration No.KA-19/MG-2889.



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4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Disability	Rs. 1,55,520/-
2.	Pain, sufferings and mental agony	Rs. 60,000/-
3.	Loss of income during laid-up period	Rs. 48,000/-
4.	Attendance charges, loss of comforts or amenities, food, nutrition, etc.	Rs. 30,000/-
5.	Future medical expenses	Rs. 30,000/-
6.	Medical expenses	Rs. 1,34,769/-
	Total	Rs. 4,58,289/-

5. The Tribunal has also awarded the interest at the rate of 9% per annum from the date of petition till realisation and directed respondent No.3/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.



6. Heard the learned counsel for appellant and learned counsel for respondent No.3/insurer.

7. Learned counsel for the appellant would contend that, the claimant has sustained three (03) fractures as noted in Ex.P6 - Wound Certificate and considering the same, the compensation awarded for pain and sufferings is on lower side. The Tribunal has not awarded loss of amenities. The Tribunal has rightly taken the disability to the whole body at 4.5%. The Tribunal has taken the income of the deceased at Rs.16,000/-, since the accident occurred in the year 2023, as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the said year is Rs.16,250/- and the said income is to be taken. With these, she prayed to allow the appeal.

8. Learned counsel for respondent No.3/insurer would contend that, the compensation awarded on all heads is just and proper and there are no grounds for



enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.3/insurer, the Court has perused the impugned Judgment, Award and a copy of Ex.P6 - Wound Certificate which is made available by the learned counsel for appellant.

10. The accident occurred on 23.05.2023 and as on the date of accident, the claimant was aged twenty (20) years. The Doctor who examined the claimant has rightly assessed his disability and the Tribunal has rightly taken the disability to the whole body at 4.5%. The accident occurred in the year 2023 and as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for that year is Rs.16,250/- and therefore, the said income is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly



applied multiplier '18'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,250/-} \times 12 \times 18 \times 4.5\% = \text{Rs.1,57,950/-}$$

11. The claimant has sustained three (03) fractures as per Ex.P6 - Wound Certificate. Considering the same, the compensation awarded towards pain and sufferings in a sum of Rs.60,000/- requires to be enhanced to Rs.90,000/-. The Tribunal has not awarded loss of amenities and therefore, the claimant is entitled to loss of amenities in a sum of Rs.50,000/-. The Tribunal has rightly awarded attendant and conveyance charges etc., in a sum of Rs.30,000/-, future medical expenses in a sum of Rs.30,000/- and medical expenses in a sum of Rs.1,34,769/-. The Tribunal has awarded loss of income during laid up period for three (03) months. As now, the income is taken at Rs.16,250/-, the claimant is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250/- X 03 months).



12. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 1,57,950/-
2.	Pain and sufferings	Rs. 90,000/-
3.	Loss of income during laid-up period	Rs. 48,750/-
4.	Attendant and conveyance charges etc.	Rs. 30,000/-
5.	Future medical expenses	Rs. 30,000/-
6.	Medical expenses	Rs. 1,34,769/-
7.	Loss of amenities	Rs. 50,000/-
	Total	Rs. 5,41,469/-

13. The claimant is entitled to total compensation of Rs.5,41,469/- as against Rs.4,58,289/- awarded by the Tribunal with interest.

14. Consequently, the claimant is entitled to enhanced compensation of Rs.83,180/- (Rs.5,41,469/- - Rs.4,58,289/-) with interest at the rate of 6% per annum from the date of petition till realisation.



15. Respondent No.3/insurer is liable to pay the said enhanced compensation amount with interest.

16. The appellant/claimant is not entitled to interest for the delay period of 583 days in filing the appeal as per order dated 11.08.2026 passed on I.A.No.1/2026.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.83,180/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.3/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*



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- v) *The appellant/claimant is not entitled to interest for the delay period of 583 days in filing the appeal.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 56