



CNR: KAHC010540612025

NC: 2026:KHC:44902
MFA No. 6142 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6142 OF 2025

(MV-I)

BETWEEN:

MR. THEODAR CARDOZA
S/O. LATE FELIX CARDOZA,
AGED ABOUT 71 YEARS,
REPRESENTED BY HIS NEXT FRIEND/WIFE
SMT. JACINTHA CARDOZA,
AGED ABOUT 71 YEARS,
H.NO 2-164, JASMIN VILLA,
BARKUR POST, KACHUR VILLAGE,
BRAHMAVARA TALUK,
UDUPI DISTRICT.

...APPELLANT

(BY SRI. K SHASHIKANTH PRASAD, ADVOCATE)

AND:

1. MR. N NIRANJAN HEGDE
AGED ABOUT 65 YEARS,
S/O. LATE. LAXMINARAYANA HEGDE,
VANADURGA KRIPA,
MANJER BETTU HOUSE,
YEDTHADY POST AND VILLAGE,
BRAHMAVARA TALUK, UDUPI TALUK.
2. NATIONAL INSURANCE CO. LTD,
REP. BY ITS MANAGER,

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



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FIRST FLOOR, SRI VIDYPOORNA COMPLEX,
NEAR HEAD POST OFFICE,
UDUPI.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI A M VENKATESH, ADVOCATE FOR R2
V/O DTD. 21.8.25 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT. 05.04.2025 PASSED IN MVC NO.
539/2022 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL
JUDGE AND ACJM, MACT, UDUPI, 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:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking
enhancement of compensation awarded in the judgment
and award dated 05.04.2025 passed in MVC No. 539/2022
by the II Additional Senior Civil Judge and ACJM and
Additional MACT, Udupi.

2. Even though the appeal is listed for 'Admission'
today, with the consent of the learned counsel appearing



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for appellant – claimant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 21.12.2018 due to the rash and negligent driving by the driver of car bearing registration No. KA-20-MC-1988. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Medical Expenses	Rs.1,93,502.95
2	Conveyance charges	Rs.7,000.00
3	Food and nourishment	Rs.5,000.00
4	Loss of earnings during the period of treatment	Rs.18,348.00
5	Loss of future earnings	Rs.5,62,500.00
6	Pain and sufferings	Rs.30,000.00
7	Loss of amenities	Rs.10,000.00
	Total	Rs.8,26,350.95

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of



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realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant would contend that claimant was admitted in the hospital for 44 days and out of that he was in the ICU for 8 days. Considering the same, the compensation awarded by the Tribunal towards ‘attendant, conveyance and food and nourishment’ is on lower side. Considering the injuries sustained by the claimant, he had to take rest for at-least three months. Therefore, compensation awarded towards ‘loss of income during laid up period’ is on lower side. Considering the injuries sustained, compensation awarded by the Tribunal towards ‘pain and suffering’ and ‘loss of amenities’ is on lower side. Claimant is an electrician aged 65 years and



was having higher income than the income shown in the chart prepared by the Karnataka State Legal Services Authority. Therefore, higher income is to be taken. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 – Insurer would contend that the compensation awarded under all heads is just and proper and there are no grounds for enhancement of the compensation.

8. Having heard learned counsel for the parties, this Court has perused the judgment and award.

9. The accident occurred on 22.12.2018 and as on the date of accident the claimant was aged 65 years. Even though it is contended that the claimant was an electrician no supporting documents are produced to show that he was an electrician and getting income of Rs.30,000/- per month. Considering the said aspect, the Tribunal has taken the notional income fixed by the Karnataka State Legal Services Authority for the year 2018 in a sum of



Rs.12,500/-. The Tribunal has rightly taken the disability at 75%. Considering the age of claimant and evidence of P.W.1 and P.W.2 the Tribunal has rightly awarded 'loss of future income'.

10. Claimant had sustained the following injuries as per Ex.P.11 – wound certificate:

"Swelling, measuring 6 X 5 cm was present over the forehead on left side, with an overlying area of abraded contusion, measuring 4 X 3.5 cm, starting at a point 1 cm above outer aspect of left eyebrow. (2) Punctured wound 1 X 0.5 cm muscle deep present over back of left forearm, situated 3 cm below left elbow joint, with a surrounding abrasion measuring 4 X 3 cm, reddish in colour, starting 1 cm below left elbow joint. (3) Laceration 2.8 cm was present over back of left arm, 1 cm above left elbow joint surrounded by an area of abrasion, 3 X 2 cm, reddish in colour, starting from left elbow joint. (4) Abrasion 3 X 2 cm



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reddish, over left side of face, with associated swelling 2 X 1 cm starting 2 cm below and 1 cm away from outer canthus of left eye."

11. Considering the said injuries the compensation awarded by the Tribunal for 'pain and suffering' in a sum of Rs.30,000/- is enhanced to Rs.75,000/- and 'loss of amenities' in a sum of Rs.10,000/- is enhanced to Rs.50,000/-.

12. The Tribunal has rightly awarded medical expenses and loss of future earning.

13. Claimant was admitted in the hospital for 44 days and considering the same, he is entitled to attendant, conveyance and food and nourishment in a sum of Rs.44,000/- (Rs.1,000 X 44 days) as against Rs.7,000/- towards attendant and Rs.5,000/- towards food and nourishment awarded by the Tribunal.



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14. Considering the injuries sustained and age of the claimant, he had to take rest for three months therefore, he is entitled to 'loss of income during laid up period' in a sum of Rs.37,500 (Rs.12500 X 3 months).

15. In view of the above, claimant is entitled to total compensation under various heads as under:

1	Pain and suffering	Rs.75,000.00
2	Loss of amenities	Rs.50,000.00
3	Loss of income during laid up period	Rs.37,500.00
4	Attendant, conveyance and food and nourishment	Rs.44,000.00
5	Medical expenses	Rs.1,93,502.95
6	Loss of future earning	Rs.5,62,500.00
	Total	Rs.9,62,502.95

16. Considering the above aspects claimant is entitled to total compensation of Rs.9,62,502.95 as against Rs.8,26,350.95 awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.1,36,152.95 rounded off to Rs.1,36,153/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No.



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2 – Insurer is liable to pay the said enhanced compensation with interest.

17. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.1,36,153/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 39
Ct.sm