



CNR: KAHC010556312022

NC: 2026:KHC:44127
MFA No. 8144 of 2022

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.8144 OF 2022(MV-I)

BETWEEN:

HARISH J @ HARISH
S/O LATE JAYARAMAREDDY
AGED ABOUT 28 YEARS
OCC AGRICULTURIST
R/O KELAGALAHATTY
KASABA HOBLI
CHITRADURGA TQ -577 002

...APPELLANT

(BY SRI. SPOORTHY HEGDE N, ADVOCATE)

AND:

1. IFFCO TOKIO GEN INS CO. LTD
REP BY ITS BRANCH MANAGER
1ST FLOOR,
ABOVE BANK OF INDIA
CHITRADURGA -577 001

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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2. S R BASKARAREDDY
S/O LATE RAMAPPA
MAJOR,
OWNER OF PASSENGER BUS
BEARING REG NO.KA-16-A-8726
R/O MEDEHALLI ROAD,
JAIN COLONY
CHITRADURGA -577001

...RESPONDENTS

(BY SRI. P.S JAGADISH, ADVOCATE FOR R1,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.03.2022 PASSED IN MVC
NO. 1106/2019 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, MACT-V, CHITRADURGA,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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.6,17,400/- awarded by the Tribunal, 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 the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and suffering	25,000
2.	Medical expenses	2,17,000
3.	Loss of amenities	10,000
4.	Loss of income during treatment and rest	28,000
5.	Attendant charges	5,000
6.	Food and nourishment	5,000
7.	Transport and incidental charges	25,000
8.	Loss of future income	3,02,400
	Total	6,17,400



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4. The Tribunal, on analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 10% to the whole body.

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate/disability certificate. The same depicts that the claimant has suffered from fracture of proximal tibia of left leg.

6. Since the Doctor has assessed permanent physical disability to the left lower limb at 48%, considering the nature and injuries suffered by the claimant and the disability assessed by the Doctor, I deem it just and appropriate to reassess the disability at 16% instead of 10% as assessed by the Tribunal. Accordingly, the disability suffered by the claimant would be at 16%.

7. The Tribunal has rightly determined the monthly income, notionally at Rs.14,000/- per month.

8. As the claimant was aged 25 years, the Tribunal has rightly applied a multiplier of '18'. Consequently, the claimant



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would be entitled to a sum of **Rs.4,83,840/-** (14,000 x 12 x 18 x 16%) towards '*loss of future income*' as against sum of Rs.3,02,400/- awarded by the Tribunal.

9. Having regard to the nature of injuries suffered by the claimant, the claimant would be entitled to **Rs.42,000/-** (14,000 X 3 months) towards '*loss of income during the laid up period*' as against sum of Rs.28,000/- awarded by the Tribunal.

10. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*pain and suffering*' as against Rs.25,000/- awarded by the Tribunal.

11. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.30,000/-** towards loss of amenities, as against the sum of Rs.10,000/- awarded by the Tribunal.

12. The sum awarded as medical expenses at **Rs.2,17,000/-** being based on the documentary evidence, do not call for modification and hence confirmed.



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13. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

14. 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	25,000	40,000
2.	Medical expenses	2,17,000	2,17,000
3.	Loss of amenities	10,000	30,000
4.	Loss of income during treatment and rest	28,000	42,000
5.	Attendant charges	5,000	5,000
6.	Food and nourishment	5,000	5,000
7.	Transport and incidental charges	25,000	25,000
8.	Loss of future income	3,02,400	4,83,840
	Total	6,17,400	8,47,840

15. Thus, the claimant is held entitled to the total compensation of **Rs.8,47,840/-** as against Rs.6,17,400/-



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along with interest at the rate of 6% per annum from the date of petition till its realization. However, it is made clear that the claimant is not entitled for interest for the delayed period in filing this appeal.

16. 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.

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

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

19. In view of the disposal of the appeal, the pending I.A.'s if any, shall stand disposed of.

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

CR
List No.: 1 Sl No.: 25