



CNR: KAHC010580192023

NC: 2026:KHC:38556
MFA No. 7396 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7396 OF 2023 (MV-I)

BETWEEN:

VIRAJ DEVADIGA
AGED ABOUT 20 YEARS
S/O RAJESH DEVADIGA
R/O NEAR MARKET
SHANKARANARAYANA VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT.

...APPELLANT

(BY SRI VIRAJ, ADVOCATE FOR
SRI K. PRASANNA SHETTY, ADVOCATE)

AND:

1. GOKUL
AGED ABOUT 34 YEARS
S/O KRISHNA DEVADIGA
R/O ULLOLLI HOUSE, CHITTADI
HERORU VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT.
2. UNIVERSAL SOMPO GENRAL
INSURANCE CO. LTD.
BRANCH OFFICE: UNIT 401
4TH FLOOR, SANGAM COMPLEX 127
ANDHERI KURAL ROAD



CNR: KAHC010580192023

NC: 2026:KHC:38556
MFA No. 7396 of 2023

ANDHERI, MUMBAI
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI B. PRADEEP, ADVOCATE FOR R2;
V/O DATED 19.11.2024 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.05.2023 PASSED IN MVC NO.560/2019 ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI (SITTING AT KUNDAPURA) PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of the compensation awarded in judgment and award dated 30.05.2023 passed in MVC No. 560/2019 by the Additional District Judge and Additional MACT-8 Udupi sitting at Kundapura.

2. Appellant - claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on



CNR: KAHC010580192023

NC: 2026:KHC:38556
MFA No. 7396 of 2023

26.01.2019 contending that the accident occurred due to the rash and negligent driving by the driver of the Car bearing registration No.KA-04-AB-0616. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience and discomforts etc. and loss of amenities in life on account of permanent disability	Rs.3,00,000/-
2	Medical expenses	Rs.67,500/-
3	Discomfort, inconvenience and loss of earnings to the parents during the period of hospitalization	Rs.25,000/-
	Total	3,92,500

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant,



CNR: KAHC010580192023

seeking enhancement of the compensation awarded, has filed the present appeal.

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

5. Learned counsel for appellant - claimant would contend that the claimant was aged 16 years and had sustained one fracture and another serious injury. P.W.2 – Doctor has assessed disability of 30% to the particular limb and 10% to the whole body. Notional income of the injured has to be taken for calculation of 'loss of future income'. Claimant is entitled to compensation under the heads 'pain and suffering', 'attendant and conveyance charges' since he was admitted in the hospital for 5 days. With this he prayed to allow the appeal.

6. Learned counsel for respondent No. 2 submits that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.



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

8. Claimant had sustained the following injuries:

- i) Fracture shaft femur right
- ii) Bone deep laceration right knee

9. P.W.2 is the Doctor who has assessed the disability of the claimant and he has stated that claimant is having 30% disability to the particular limb and 10% to the whole body. Therefore, disability to be taken is 10% to the whole body.

10. The accident occurred in the year 2019 and for the said year notional income fixed by the Karnataka State Legal Services Authority is Rs.14,000/-. Considering the age of the claimant multiplier applicable is 18.

11. In view of the above, claimant is entitled to loss of future income as under:

$$14000 \times 12 \times 18 \times 10\% = \text{Rs.}3,02,400$$



12. Considering the injuries noted supra, claimant is entitled to a sum of Rs.35,000/- towards 'pain and suffering'. Claimant was admitted in the hospital for 5 days and therefore, he is entitled to attendant and conveyance charges in a sum of Rs.5,000/-.

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

1	Loss of future income	Rs.3,02,400/-
2	Medical expenses	Rs.67,500/-
3	pain and suffering	Rs.35,000/-
2	Attendant and conveyance charges	Rs.5,000/-
	Total	Rs.4,09,900/-

14. Claimant is entitled to total compensation of Rs.4,09,900/- as against Rs.3,92,500/- awarded by the Tribunal with interest at the rate of 6% p.a. from date of petition till the date of realization. Consequently, the claimant is entitled enhanced compensation of Rs.17,400/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No. 2 – Insurer is



CNR: KAHC010580192023

NC: 2026:KHC:38556
MFA No. 7396 of 2023

liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

ORDER

- i) Appeal is allowed in part.
- ii) Appellant - claimant is entitled to enhanced compensation of Rs.17,400/- with interest at the rate of 6% p.a. from date of petition till the date of realization.
- iii) Respondent No. 2 – Insurer is directed to deposit the enhanced compensation with interest before the Tribunal within six weeks from this day failing which it is liable to pay interest at the rate of 9% p.a. from this day till the date of payment.
- iv) Claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE