



CNR: KAHC010642502025

NC: 2026:KHC:42361
MFA No. 7300 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7300 OF 2025

(MV-I)

BETWEEN:

MR. SHREENIDHI GUJARAN
S/O LATE JAYASHEELA GUJARAN
AGED ABOUT 27 YEARS
PUSHPANJAYA, PADU KALMANJE
POST: MANIPURA - 576 120.
UDUPI DISTRICT.

...APPELLANT

(BY SRI KARKALA SHASHIKANTH PRASAD, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

1. MR. ASHOKA NAIK
AGED ABOUT 34 YEARS
S/O MR. SUNDARA NAIK
DEVI KRIPA NIVASA
MALLUR MALA POST AND VILLAGE
KARKALA TALUK 574 004.
UDUPI DISTRICT.
2. HDFC ERGO GEN. INSURANCE CO. LTD.,
2ND FLOOR, ESSEL CENTRE
M .G .ROAD,
MANGALURU TALUK - 575 003.



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REPRESENTED BY THE BRANCH MANAGER.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 18.12.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:15.03.2025
PASSED IN MVC No.181/2023 ON THE FILE OF THE
ADDITIONAL SENIOR CIVIL JUDGE, ADDITIONAL 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

This appeal is filed by the appellant -claimant seeking
enhancement of compensation awarded in judgment and
award dated 15.03.2025 passed in MVC No.181/2023 by
the Additional Senior Civil Judge and MACT., Udupi.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of
learned counsel for appellant and learned counsel for
respondent No.2 -insurer.



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3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 21.02.2022 contending that the accident occurred due to rash and negligent driving of the driver of tipper lorry bearing registration No.KA-19/AB-1142. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Heads of compensation	Rs.
Loss of future income	5,35,680-00
Loss of income during laid up period	15,500-00
Medical expenses	44,979-00
Future medical expenses	50,000-00
Nourishment, attendant, conveyance expenses	10,000-00
Pain, Sufferings and Trauma	20,000-00
Loss of Amenities, discomfort, future happiness, permanent disability and shortening of life	20,000-00
Total	6,96,159-00



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4. The Tribunal also awarded interest at the rate of 6% p.a. from the date of petition till realization and directed the respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 -insurer.

6. Learned counsel for appellant would contend that the appellant -claimant was working as Zomato delivery boy and he was aged about 24 years as on the date of incident. The claimant has sustained 04 injuries as per wound certificate and out of them one is head injury. P.W.2 -doctor has examined the claimant and assessed his disability. He stated that claimant is having monoparesis disability at 25% and cognitive disability at 22% and he is having total disability at 47%. The Tribunal has taken the disability at 16%. Considering the injury sustained, the compensation awarded towards pain and suffering and



loss of amenities are on lower side. The claimant has been admitted in the hospital for 18 days. Considering the same, compensation awarded towards attendant, conveyance charges, food and nourishment etc., is on lower side. Considering the injuries, the claimant has to be awarded loss of income during laid up period for 03 months. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 –insurer would contend that the claimant himself has been examined as P.W.1 and faced cross examination itself indicate that he is not having any such disability as stated by P.W.2. Considering the same, the Tribunal has rightly taken the disability at 16%. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.



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9. The accident occurred on 21.02.2022 and as on the date of accident the claimant was aged 24 years working as Zomato deliver boy. As per wound certificate – Ex.P7 and Ex.P8, the claimant has sustained the following four injuries:

- "1. Abrasion, reddish in colour, measuring 1 * 1 cm was present starting at a point 0.5 cm below the outer aspect of left eyebrow.*
- 2. Abrasion, reddish in colour, measuring 2 * 1 cm, was present over the back of the left little finger at Proximal phalanx.*
- 3. Abrasion, reddish in colour, measuring 4 * 205 cm, was present over the right palm, starting at the wrist joint.*
- 4. Sutured wound measuring 4 cm was present over the right side of the head, situated at a point 10 cm."*

Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- requires to be enhanced to Rs.70,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.40,000/-. P.W.2 is doctor,



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who has examined the claimant and assessed the disability. P.W.2 has stated that the claimant is having monoparesis disability at 25% and cognitive disability at 22% and he is having total disability at 47%. The Tribunal has taken the disability at 16%. Considering that the claimant has sustained head injury and that he was aged 24 years, working as delivery boy, the functional disability is to be taken at 20% as against 16% as taken by the Tribunal. Since the disability is 20%, the future prospects are required to be considered. The Tribunal has rightly taken the notional income at Rs.15,500/- and applied multiplier 18. Therefore, the loss of future income is calculated as under:

$$\text{Rs.15,500/-} + \text{Rs.6,200/- (40\%)} = \text{Rs.21,700/-} \times 12 \times 18 \times 20\% = \text{Rs.9,37,440/-}.$$

10. Considering the injury sustained, the claimant has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period for 03



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months in a sum of Rs.46,500/- (Rs.15,500/- x3) as against Rs.15,500/- as awarded by the Tribunal. The claimant has been admitted in the hospital for 18 days and therefore, he is entitled to attendant and conventional charges, food nourishment etc., in a sum of Rs.18,000/- (Rs.1,000/- x18) as against Rs.10,000/- as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses and future medical expenses.

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

Sl. No.	Heads	Amount in (Rs.)
01.	Pain and suffering	70,000/-
02.	Loss of amenities	40,000/-
03.	Loss of future income	9,37,440/-
04.	Loss of income during laid up period	46,500/-
05.	Medical Expenses	44,979/-
06.	Future medical expenses	50,000/-
07.	Attendant and conveyance charges	18,000/-
	Total	12,06,919/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.12,06,919/- as against Rs.6,96,159/- with interest at the rate of 6% per



annum from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.5,10,760/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.5,10,760/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) The appellant –claimant is entitled to release
of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 4
Ct.sm