CNR: KAHC010513102026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29TH DAY OF OCTOBER, 2026**

**PRESENT**

**HON'BLE MR. JUSTICE JAYANT BANERJI**

R

**AND**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**REVIEW PETITION NO.416 OF 2026**

**BETWEEN:**

VEERESHA
S/O KATALINGAPPA,
AGED ABOUT 27 YEARS,
STUDENT AND AGRICULTURIST,
R/AT GUNDIMADU GOLLARAHATTY VILLAGE
HOLALKERE TALUK-577 526.

...PETITIONER

(BY SRI.R.SHASHIDHARA, ADVOCATE)

**AND:**

1. MAHABHADRAPPA
S/O VEERABHADRAPPA,
AGED ABOUT 74 YEARS,
OWNER OF VEHICLE
BEARING NO.KA-16/B-3367,
R/O MALLIKARJUNA MOTOR SERVICE,
GANDHI NAGARA,
CHALLAKERE TOWN-577 522.

2. THE DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE CO. LTD.,
1ST FLOOR, A.M.ARCADE,
NEAR VIDHYARTHI BHAVAN,
C.G.HOSPITAL ROAD,
DAVANAGERE-577 001.

...RESPONDENTS

(R2 SERVED)

THIS REVIEW PETITION IS FILED UNDER ORDER XLVII RULE 1 READ WITH SECTION 114 OF CODE OF CIVIL PROCEDURE 1908, PRAYING

Digitally signed by
JAI JYOTHI J
Location: HIGH
COURT OF
KARNATAKA

CNR: KAHC010513102026

TO REVIEW THE JUDGMENT AND AWARD DATED 22.06.2026 PASSED IN M.F.A.NO.6211/2018 (MV-I) BY ALLOWING THIS REVIEW PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

THIS REVIEW PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

**ORAL ORDER**

**(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)**

1. The present review petition is filed seeking review of the judgment passed by this Court dated 22.06.2026 in MFA No.6211/2018(MV-I).

2. There is no appearance on behalf of respondent No.2 despite service.

3. The challenge in the present review petition is limited to non-award of future prospects.

4. This Court, by its order dated 17.08.2026 had while issuing notice in the matter directed as follows:

> *"2. Learned counsel for the review petitioner submits that although the amounts were awarded, while calculating loss of 'future earnings', 'future prospects' was inadvertently not set out. Reliance is placed by the learned counsel on the judgment under*

> *review in the case of* ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari And Another***[1]*.*
>
> *3. Since there is no breach of Insurance Policy alleged and the judgment under review is only on the aspect of compensation, Notice shall only issue to the Insurance Company."*

5. Learned Counsel for the review petitioner submits that only a minor inadvertent error has crept in, inasmuch as the injured was 17 years old and that 40% future prospects which ought to have been awarded at the time of calculating loss of future earnings due to disability, have not been awarded.

6. Learned Counsel for the review petitioner relies upon the judgment of the Supreme Court in ***Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari and Another***[2] case and ***National Insurance Company Limited v. Pranay Sethi***[3]**,** to contend that 40% of the income ought to have been added towards future prospects.

7. The Supreme Court in the ***Hitesh Nagjibhai Patel*** case has while awarding enhanced compensation in the

[1] 2025 INSC 1070
[2] 2025 SCC OnLine SC 3446
[3] (2017) 16 SCC 680

case of an injured minor, has also added future prospects. The relevant extract is below:

> ***"12.*** *Lastly,* ***with a view of awarding just and fair compensation, in the attending facts and circumstances of the case, we are also inclined to enhance the compensation towards other pecuniary heads in accordance with the settled principle of law****.*
>
> ***13.*** *In view of the aforesaid, the compensation now payable to the claimant-appellant would be recalculated as under:*

| ***Compensation Heads*** | ***Amount Awarded*** | ***In Accordance with:*** |
|---|---|---|
| *Monthly Income* | *Rs.6,836/-* | ***Baby Sakshi Greola v. Manzoor Ahmad Simon and Another,*** *(2022) 7 SCC 738 Para 10* |
| *Yearly Income* | *Rs.82,032/-* | |
| ***Future Prospects (40%)*** | *82,032+32,813 =Rs.1,14,845/-* | *National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 and 59* |
| *Multiplier (18)* | *Rs.1,14,845/- X 18 = Rs.20,67,210/-* | |
| *Permanent Disability (90%)* | *90% of Rs.20,67,210/- = Rs.18,60,489/-* | ***Mohd. Sabeer v. U.P. SRTC,*** *(2023) 20 SCC 774 Para 12-15* |
| *Loss of Income/Future Earnings due to Disability* | *Rs.18,60,489/-* | |
| *Medical* | *Rs.30,000/-* | ***Sidram v.*** |

| | | |
|---|---|---|
| *Expenses* | | ***Divisional Manager, United India Insurance Ltd.*** *(2023) 3 SCC 439 Para 63-66, 89*<br><br>***Kajal v. Jagdish Chand,*** *(2020) 4 SCC 413 Para 19, 26, 28, 29*<br><br>***Sanjay Rajpoot v. Ram Singh,*** *2025 SCC OnLine SC 285, Para 12*<br><br>***Mallikarjun v. National Insurance Co. Ltd.,*** *(2014) 14 SCC 396 Para 13, Para 12-15* |
| *Future Medical Expenses* | *Rs.50,000/-* | |
| *Special diet and Transportation* | *Rs.1,00,000/-* | |
| *Loss of Marriage Prospects* | *Rs.3,00,000/-* | |
| *Loss of Income during treatment* | *Rs.50,000/-* | |
| *Pain and Suffering* | *Rs.5,00,000/-* | |
| *Loss of Amenities* | *Rs.2,00,000/-* | |
| *Cost of Artificial Limb* | *Rs.5,00,000/-* | ***Ayush v. Reliance General Insurance Co. Ltd.,*** *(2022) 7 SCC 738 Para 14-15* |
| ***TOTAL*** | ***Rs.35,90,489/-*** | |

*Thus, the difference in compensation is as under :*

| ***MACT*** | ***High Court*** | ***This Court*** |
|---|---|---|
| *Rs.3,90,000/-* | *Rs.8,65,000/-* | *Rs.35,90,489/-* |

[Emphasis Supplied]

7.1 The Supreme Court in the case of ***Gayatree Pattnaik for Shreejita Pattnaik Vs. Arundhati Sahoo***

***and Another***[4], has, while referring to the judgment in ***Hitesh Nagjibhai Patel*** case, also awarded future prospects in a case where the injured suffered from a permanent physical disability, based on the table as set out in the judgment in ***Pranay Sethi*** case. The relevant extract is set out below:

> "56. *This Court in Hitesh Nagjibhai Patel, observed that a* ***minor child who suffers death or permanent disability in a motor vehicle accident cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child*** *was not engaged in gainful employment at the time of the accident. In such a case,* ***the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arose should be adopted.*** *This Court clarified thus:*
>
> > *"15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matric of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law."*
>
> *57. The accident in question took place on 16.06.2015. Though the MACT applied the State Government Notification bearing No. 323 of 2015 and took the income* ***of the injured child as an unskilled labourer, we find***

[4] 2026 SCC OnLine SC 1469

***that the said notification had come into effect after the date of the accident****. On the date of the accident, the Notification dated 06.10.2012 issued by the Government of Orissa, as revised by the Notification dated 16.10.2014, would be applicable. The MACT had fallen in error in taking the income of the injured child as an unskilled labourer. Interestingly, the High Court also found the approach of the MACT to be just and appropriate. Be that as it may, as per the Notification dated 06.10.2012, the wages payable to a skilled worker was fixed at Rs. 190.00 per day. By the Notification dated 16.10.2014, the variable dearness allowance was made payable at the rate of Rs. 2.50 per day w.e.f. 09.10.2014. Therefore, on the date of the accident, the wages payable to a skilled worker in the State of Orissa works out to Rs. 192.50 per day.* ***The monthly income would thus be Rs. 5,775.00. On this basis, the annual income would be Rs. 69,300.00. Adding 40% towards future prospects, the annual income becomes Rs. 69,300.00 plus 40% of Rs. 69,300.00, which is Rs. 97,020.00.*** *Applying the multiplier of 18, the total future income works out to Rs. 17,46,360.00. Taking the permanent functional disability at 100%, the loss of future earning capacity would be Rs. 17,46,360.00. Accordingly, we determine the compensation payable to the appellant under the head 'loss of future earnings' at Rs. 17,46,360.00."*

[Emphasis Supplied]

8. In the present case, the injured was 17 years old and suffering from a permanent physical disability. Given the settled legal position in this behalf, this Court deems it apposite to enhance the compensation on **'loss of future earnings due to disability'** in the following manner:

**Rs.9,500/- + 40% x 12 x 18 x 80% = Rs.22,98,240/-**

9. The compensation to be awarded is recalculated as follows:

| Sl.No. | Particulars | Amount (Rs.) |
|---|---|---|
| 1 | Loss of future earnings due to disability (Rs.9500 + 40% x 12 x 80% x 18) | 22,98,240/- |
| 2 | Pain and suffering | 45,000/- |
| 3 | Medical Expenses | 2,16,990/- |
| 4 | Loss of earnings during laid up period (Rs.9,500 x 3) | 28,500/- |
| 5 | Loss of Marriage Prospects | 1,00,000/- |
| 6 | Loss of Amenities | 50,000/- |
| 7 | Future Medical Expenses | 50,000/- |
| 8 | Attendant, Nourishment, Diet and Conveyance Charges | 15,000/- |
| | **TOTAL** | **28,03,730/-** |
| | Less: Awarded by the Tribunal | 4,07,390/- |
| | **Enhanced compensation** | **23,96,340/-** |

10. Hence, the review petitioner is entitled to an enhancement of compensation in a sum of Rs.23,96,340/- along with interest at 6% per annum as awarded by the learned Tribunal, from the date of petition till its realization.

11. Accordingly, the Court proceeds to pass the following:

**ORDER**

(i) The review petition is ***allowed;***

(ii) The Judgment passed by this Court dated 22.06.2026 in MFA No.6211/2018 is modified by enhancing the compensation to a sum of **Rs.23,96,340/-** along with interest at the rate of 6% per annum as awarded by the learned Tribunal from the date of petition till realization;

(iii) Paragraph 25 of the Impugned Judgment is modified to read as follows:

"25. Accordingly, this Court proceeds to pass the following:

**ORDER**

(i) The appeal is ***partly allowed;***

(ii) The Judgment and Award dated 31.01.2018, in MVC No.836/2016, passed by the learned Senior Civil Judge and MACT at Holalkere, is modified enhancing the compensation by **Rs.23,96,340/-** along with interest at the rate of 6% per annum as

awarded by the learned Tribunal from the date of petition till realization;

(iii) The respondent No.2/Insurance company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today;

(iv) On such deposit of compensation, the same shall be released in favour of the appellant/claimant, on filing of an appropriate application for withdrawal of the enhanced amount;

(v) The Registry is directed to draw the modified Award accordingly;

(vi) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records;

(vii) Pending applications, if any, stand closed.

(viii) No order as to costs."

**Sd/-**
**(JAYANT BANERJI)**
**JUDGE**

**Sd/-**
**(TARA VITASTA GANJU)**
**JUDGE**

KSR/BMV*
List No.: 1 Sl No.: 1