HC-KAR

NC: 2026:KHC:60329
MFA No. 6049 of 2026

CNR: KAHC010560332026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6049 OF 2026

(MV-I)

BETWEEN:

MR SAUKATH ALI
S/O. YUSUF
AGED ABOUT 43 YEARS
R/AT D.No.3-574/1
ADYAR PADAVU
ADYAR VILLAGE
MANGALURU- PIN-575 009.

…APPELLANT

(BY SRI. G. RAVISHANKAR SHASTRY, ADVOCATE)

AND:

1. MR BHASKAR POOJARY
S/O. JANARDHANA POOJARY
ADULT
R/AT D.No.2-211
MUNURU HOUSE, NEERUMARGA
MANGALURU- PIN-575 029.

2. THE ORIENTAL INSURANCE COMPANY LTD.,
BRANCH OFFICE: GROUND FLOOR
SATHISH COMPLEX, BEHIND SBI
OPP. GOVINDADASA COLLEGE,
SURATHKAL POST
MANGALURU - PIN-575 014.

…RESPONDENTS

(BY SRI C SHANKARA REDDY, ADVOCATE FOR R2
V/O DTD. 28.08.2026, NOTICE TO R1 IS DISPENSED WITH)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:20-01-2026 PASSED IN MVC No.193/2022 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, D.K. MANGALURU 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:

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 20.01.2026 passed in MVC No.193/2022 by the VI Additional District Judge and MACT, D.K. Mangaluru.

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 20.03.2021 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing Regn.No.KA-19/AC-7402. The Tribunal after recording the evidence of the

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parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and sufferings	30,000/-
02.	Medical expenses and future medical expenses	75,572/-
03.	Conveyance, food and nourishment, attendant charges and other incidental expenses	4,000/-
	Total	**1,09,572/-**

3. The Tribunal also awarded interest @ 7% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. The accident occurred on 20.03.2021 and as on the date of accident the claimant was aged 39 years. The multiplier applicable to said age is '15'.

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6. The claimant has sustained crush injury of middle third of right lower leg with bone exposed as per Ex.P5 – wound certificate. Considering the said injury the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.30,000/- is enhanced to Rs.50,000/-. The Tribunal has not awarded loss of amenities. Considering the said injuries, the claimant is entitled to loss of amenities in a sum of Rs.40,000/-. The Tribunal considering the document has rightly awarded medical expenses and considering that the claimant has been admitted in the hospital has rightly awarded attendant and conveyance charges, food and nourishment in a sum of Rs.4,000/-.

7. PW.3–Doctor who has examined the claimant assessed his disability and stated that the claimant has sustained 33% disability to the right lower limb. The Tribunal has not awarded loss of future income due to disability considering that the injury sustained by the claimant which is described as simple injury in Ex.P5 –

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wound certificate. Exs.P11 and P12 are the photographs wherein the nature of wound sustained by the claimant is visible. PW.3 – Doctor has also stated that even though earlier it was described as simple injury but considering the occupation of the claimant and further examination will indicate his disability. The occupation of the claimant is driver of a transport vehicle as per Ex.P18 – driving license and salary certificate issued by the Contractor as per Ex.P10. The Contractor has also been examined as PW.2. Considering the said avocation of the claimant and evidence of Doctor, the claimant has sustained disability at 33% to the right lower limb. In cases of disability to the lower limb, 1/3rd of the same has to be taken to the whole body. Therefore, the disability to be taken is 11% to the whole body.

8. Ex.P10 is the salary certificate issued by PW-2, Contractor wherein it is stated that the daily wage of the claimant is Rs.1,400/-. PW.2 has also stated that daily wage of the claimant is Rs.1,400/-. In order to corroborate

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the said evidence of PW.2 and certificate at Ex.P10, no other document is produced to indicate payment of said amount to the claimant. Considering that the claimant is driver authorized to drive transport vehicle, the income of the claimant is to be taken higher than the notional income fixed for the year 2021 by the Karnataka State Legal Services Authority. The notional income fixed for the year 2021 is Rs.15,000/- p.m. Therefore, the income of the claimant is taken at Rs.18,000/- p.m. In view of the above, loss of future income due to disability is calculated as under:

Rs.18,000 x 12 x 15 x 11% = Rs.3,56,400/-

9. Considering the injuries sustained by the claimant and treatment taken he has to take rest atleast for 3 months and therefore, entitled to loss of income during laid up period in a sum of Rs.54,000/- (Rs.18,000 x 3 months).

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10. 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	50,000/-
02.	Medical expenses	75,572/-
03.	Attendant, conveyance charges, food and nourishment	4,000/-
04.	Loss of amenities	40,000/-
05.	Loss of income during laid up period	54,000/-
06.	Loss of future income due to disability	3,56,400/-
	Total	**5,79,972/-**

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,79,972/- as against Rs.1,09,572/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.4,70,400/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

ORDER

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i) The appeal is allowed in part.

ii) The appellant/claimant is entitled to enhanced compensation of Rs.4,70,400/- with interest @ 6% p.a. 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.

iv) Out of the enhanced compensation, 50% shall be released to the claimant and remaining 50% shall be kept in fixed deposit with Karnataka Bank, Mangaluru Branch, for a period of three years in his name.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB: List No.: 1 Sl No.: 26
Ct.sm