HC-KAR
NC: 2026:KHC:65262
MFA No. 6029 of 2026
CNR: KAHC010578882026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6029 OF 2026

(MV-I)

BETWEEN:

UNITED INDIA INSURANCE CO. LTD.,
5TH AND 6TH FLOORS, KRISHI BHAVAN
HUDSON CIRCLE, OPP. BBMP
HEAD OFFICE, NRUPATHUNGA ROAD
BENAGALURU -560 001.
REP. BY MANAGER, REGIONAL OFFICE
UNITED INDIA INSURANCE CO., LTD.,
KRISHIK BHAVAN, 6TH AND 5TH FLOOR
HUDSON CIRCLE, BENGALURU-560 001.

...APPELLANT

(BY SRI BENNI RAVISH CHANDRASHEKAR, ADVOCATE)

AND:

1. SRI MANJUNATHA K
S/O KEMPANNA
AGED ABOUT 36 YEARS
RESIDING AT HANUMANTHANAGARA
MARURU MAGADI TALUK
MAGADI, RAMANAGARA -562 127.

2. SRI MAHESH
S/O KALARASAYYA
AGE MAJOR, MARURU VILLEGE
NARSANDRA POST, KUDUR HOBLI

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JUDGE, HIGH COURT OF KARNATAKA

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MAGADI TALUK
RAMANAGARA DISTRICT-562 127.

…RESPONDENTS

(R1 – SERVED, V/O DTD. 19.08.2026,
NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:04-04-2026 PASSED IN MVC No.6809/2022 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACJM, MEMBER, MACT-3, BENGALURU AWARDING COMPENSATION OF Rs.10,83,663/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the Insurer challenging the quantum of compensation awarded in the judgment and award dated 04.04.2026 passed in MVC No. 6809/2022 by the VII Additional Judge, Court of Small Causes and Member, MACT-3, Bengaluru.

2. Claimant made a claim petition praying to award compensation for the injuries sustained by him in a

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road traffic accident that occurred on 12.09.2022 due to the rash and negligent driving by the rider of Activa bike bearing registration No. KA-52-Q-1359. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl.No.	**Head of compensation**	**Amount in Rs.**
1.	Loss of future income	8,06,400-00
2.	Pain and Sufferings	30,000-00
3.	Attendant charges, extra nutritious food and conveyance charges	30,000-00
4.	Medical Expenses	97,263-00
5.	Loss of future amenities and unhappiness	30,000-00
6.	Loss of income during laid up period	60,000-00
7.	Future medical expenses	30,000-00
	Total	**10,83,663-00**

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of

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realization and directed the Insurer (respondent No. 2 before the Tribunal) to deposit the said award amount with interest. Insurer challenging the quantum of compensation awarded, has filed the present appeal.

4. Heard learned counsel for Insurer. Inspite of service of notice respondent No. 1 – claimant remained absent and unrepresented.

5. The accident occurred on 12.09.2022 and as on the date of accident claimant was aged 32 years. Considering the said age of the claimant the Tribunal has rightly applied multiplier `16'.

6. Learned counsel for appellant contends that the claimant had not produced any evidence to prove his income from his avocation of agriculture, milk vending and running a chicken shop and inspite of that, the Tribunal has taken the monthly income of the claimant at Rs.30,000/-. He further submits that even though the claimant had produced diary member ship card – Ex.P.13,

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letter issued by Ksheedhara Credit Cooperative Society Limited – Ex.P.14, copy of mutation –Ex.P.15 and copy of bank statement of the claimant – Ex.P.16, exact monthly income of the claimant was not established. Therefore, notional income of Rs.15,500/- is to be taken. He further submits that even loss of income during laid up period is awarded by taking the monthly income at Rs.30,000/- and it is on higher side.

7. Claimant had not established his monthly income except producing Ex.P.13, Ex.P.14 and Ex.P.16. He had not produced any other documents or evidence to establish his monthly/annual income. Inspite of that, the Tribunal has erred in taking his monthly income at Rs.30,000/-. Therefore, income of the claimant is to be taken at Rs.15,500/-, i.e., notional income fixed for the year 2022 by the Karnataka State Legal Services Authority. In view of the same, claimant is entitled to loss of future income due to disability as under:

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8. 15,500 X 12 X 16 X 14% = Rs.4,16,640/-

9. The Tribunal has awarded Rs.60,000/- towards loss of income during laid up period by taking monthly income at Rs.30,000/-. Now income taken is Rs.15,500/- and therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.31,000/- (Rs.15,500 X 2 months).

10. Appellant – Insurer has not challenged the compensation awarded under other heads.

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

1	Loss of income during laid up period	Rs.4,16,640/-
2	Pain and suffering	Rs.30,000/-
3.	Attendant charges, extra nutritious food and conveyance charges	30,000/-
4.	Medical Expenses	97,263/-
5.	Loss of future amenities and unhappiness	30,000/-
6.	Loss of income during laid up	31,000/-

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	period	
7.	Future medical expenses	30,000/-
	Total	**6,64,903/-**

12. Considering the above aspects claimant is entitled to total compensation of Rs.6,64,903/- as against Rs.10,83,663/- awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of realization.

13. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

b) Claimant is entitled to compensation of Rs.6,64,903/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Claimant is not entitled to interest on future medical expenses.

d) Appellant - Insurer shall deposit the compensation amount with interest before the Tribunal within six

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weeks from this day including the amount already deposited.

e) Amount in deposit is ordered to be transmitted to the Tribunal.

f) Order of the Tribunal with regard to deposit and release remain unaltered.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
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