IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

MISCELLANEOUS FIRST APPEAL NO.6720 OF 2025 (MV-I)

BETWEEN:

SRI. SANJEEVA MARAKALA
AGED 60 YEARS,
SON OF LATE NARAYANA MARAKALA,
RESIDING AT HOUSE NO. 3-25(1),
SHESHA THANDELARA MANE,
HANDATTU, KOTATHATTU
BRHAMAVARA TALUK - 576 221
UDUPI DISTRICT.

...APPELLANT

(BY SRI. N. JAGADISH BALIGA, ADVOCATE)

AND:

1. SRI. K.S DAKSHITH KUMAR
   AGED 24 YEARS
   SON OF SRI. SUNDARA,
   RESIDING AT NO. 12-2-18
   VINOBHA NAGAR, KADABETTU,
   MOODANIDAMBURU VILLAGE,
   UDUPI TALUK - 576101
   UDUPI DISTRICT.

2. THE UNITED INDIA INSURANCE CO. LTD.,
   P.B. NO. 78, JEWEL PLAZA,
   1ST FLOOR, MARUTHI VEETHIKA,
   UDUPI – 576 101
   REPRESENTED BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI. KRISHNA KISHORE, ADVOCATE FOR R2;
V/O DATED 05.03.2026 NOTICE TO R1 IS D/W)

Digitally signed by YASHODA K L
Location: HIGH COURT OF KARNATAKA

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.06.2025 PASSED IN MVC NO. 524/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR ORDERS COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, N.V.BHAVANI J., MADE THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE N.V.BHAVANI

CAV JUDGMENT

This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988[1] by the claimant/petitioner i.e., appellant herein in MVC No.524/2023 challenging the common judgment and award dated 30.06.2025 in MVC Nos.524/2023 and 525/2023 on the file of the Senior Civil Judge, Additional MACT, Kundapura[2].

2. The parties are referred to as per their rankings before the Tribunal for the sake of convenience.

3. Facts germane to file the present appeal are as under:

[1] for short 'MV Act'
[2] for short 'the Tribunal'

It is case of the petitioner/appellant (in MVC No.524/2023) that on 21.02.2023 at about 11.30 a.m., he was walking on the side of the National Highway No.66 near Saligrama fish market, Chitrapadi Village, Brahmavara Taluk, Udupi District. At that time, the respondent No.1 along with the petitioner in MVC No.523/2023 as a pillion rider was riding the motorcycle bearing registration No.KA-20/EY-4496 in a rash and negligent manner so as to endanger to the human life from Udupi direction towards Kundapura and dashed to the petitioner and caused the accident. Due to the accident, the petitioners in both cases and respondent No.1 fell on the road along with the motorcycle.

4. The petitioner sustained grievous injuries and immediately after the accident, the petitioner was shifted to Mahesh Hospital, Brahmavara and subsequently, shifted to KMC hospital, Manipal and he was treated as in-patient from 22-02-2022 to 27-02-2023 for 6 days. The doctor who has been examined as PW3, on clinical examination of the petitioner has issued wound certificate (Exs.P-5 and P-6)

stating that the petitioner has suffered injuries in the accident.

5. The petitioner had spent a sum of Rs.1,80,000/- towards medical expenses; Rs.60,000/- towards food, extra nourishment and attendant charges; Rs.35,000/- towards conveyance charges and the petitioner also requires Rs.75,000/- towards future treatment for implant removal. The Tribunal after considering the materials on record, considered the income of the petitioner at Rs.14,000/- per month by taking the age of the petitioner as 62 years and considering the disability at 6% to the whole body, applied the multiplier of '7' and awarded the compensation of Rs.3,07,000/- under various heads along with interest @ 6% p.a. from the date of petition till date of deposit. Not being satisfied with the compensation amount, the petitioner has preferred this appeal for seeking enhancement of compensation.

6. Heard Sri.N.Jagadish Baliga, learned counsel for the petitioner/appellant and Sri.Krishna Kishore, learned

counsel for the respondent No.2/insurance company. Notice to respondent No.1 is dispensed with vide order dated 05.03.2026.

7. Learned counsel for the petitioner/appellant herein has contended that the Tribunal has assessed the 'loss of future income due to permanent disability' at Rs.14,000/- per month, without even considering the notional income fixed by the Karnataka State Legal Services Authority (KSLSA) for the year 2023, which was Rs.18,000/- per month. Further, learned counsel submitted that the compensation awarded under the conventional heads is on the lower side and prayed for enhancement of the compensation by allowing the appeal.

8. On the other hand, learned counsel for the respondent No.2/insurance company has fairly admitted that the notional income fixed by KSLSA is higher than the amount fixed by the Tribunal, but there is no document to prove the income of the petitioner. Therefore, the judgment and award passed by the Tribunal is just and proper and does not call for any interference. Hence, sought for dismissal of the appeal.

9. Having considered the rival submissions, this Court has perused the entire appeal papers and trial court records.

10. Considering the rival arguments and material on record, admittedly, the accident has occurred on 21.02.2023 and the notional income for year the 2023 is considered as Rs.16,250/- per month as per the notification of Karnataka State Legal Services Authority (KSLSA). In such circumstances, the Tribunal erred in fixing the income at Rs.14,000/- per month and the same requires reconsideration by enhancing the income to Rs.16,250/- per month. Accordingly, this court enhances the compensation awarded under heads of "loss of future income due to disability" from Rs.14,000/- per month to Rs.16,250/- per month.

11. Now coming to the compensation awarded under other heads are concerned, the claimant/appellant was hospitalized for 6 days and injuries suffered are with respect to locomotor function of the body, which restrict the movement of a person. Due to which, he has to undergo pain and sufferings and requires complete bed rest at least for the

period of 3 months. Therefore, the compensation awarded under all heads except under medical expenses, transport and future medical expenses, requires reconsideration. Accordingly, this Court reassesses the compensation as under:

Sl. No.	**Particulars**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Loss of future income due to disability	Rs.71,000/-	Rs.81,900/- (Rs.16,250/- x 12 x 6% x 7)
2	Medical expenses	Rs.1,45,000/-	Rs.1,45,000/-
3	Pain and suffering	Rs.36,000/-	Rs.50,000/-
4	Loss of amenities and happiness in life	Rs.05,000/-	Rs.25,000/-
5	Loss of earning during laid-off period	Rs.10,000/-	Rs.48,750/- (Rs.16,250/- x 3)
6	Extra nourishment and nutrition	Rs.5,000/-	Rs.10,000/-
7	Food, conveyance and attendant charges during treatment	Rs.10,000/-	Rs.10,000/-
8	Future medical expenses	Rs.25,000/-	Rs.25,000/-
	TOTAL	**Rs.3,07,000/-**	**Rs.3,95,650/-**

12. Accordingly, the petitioner is entitled for enhanced compensation of Rs.88,650/- rounded off to Rs.89,000/-, which shall carry interest @ 6% p.a. from the date of petition till realization.

13. For the aforesaid reasons, this Court proceeds to pass the following:

ORDER

(i) The appeal is ***allowed in part***.

(ii) The judgment and award dated 30.06.2025 passed in MVC No.524/2023 by the Senior Civil Judge, Additional MACT at Kundapura, so far as petitioner/appellant is concerned, is hereby modified and the petitioner/appellant is entitled to total compensation of Rs.3,95,650/- along with interest @ 6% p.a. from the date of petition till realization.

(iii) The respondent No.2/insurance company shall deposit the enhanced compensation before the concerned Tribunal within an outer limit of six weeks from the date of receipt of certified copy of this order.

(iv) Upon deposit, the entire amount shall be released in favour of the petitioner/appellant forthwith on due identification.

(v) Trial court records secured, if any, shall be retransmitted to the concerned Tribunal forthwith without causing any delay.

(vi) No order as to costs.

SD/-
(N.V.BHAVANI)
JUDGE

DR