HC-KAR

NC: 2026:KHC:60168
MFA No. 6334 of 2026

CNR: KAHC010594042026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6334 OF 2026

(MV-I)

BETWEEN:

ANANDA
S/O. NARAYANA POOJARI
AGED ABOUT 51 YEARS
R/AT D.No.5-342, BEJJABETTU
GURUPURA, MULUR
MANGALORE - PIN 574 145.

... APPELLANT

(BY SMT. POOJA PARVATHI, ADVOCATE
SRI. G. RAVISHANKAR SHASTRY, ADVOCATE)

AND:

1. RAMACHANDRA BHAT
ADULT, S/O. SHAMA BHAT M
R/AT D.NO.4-97, MULIYA HOUSE
SATHYASAYI VIHAR, ALIKE
BANTWAL TALUK PIN-574 235.

2. THE DIVISIONAL MANAGER
ORIENTAL INSURANCE CO.LTD.,
NEAR ROOPA HOTEL, BALMATTA ROAD
HAMPANKATTA, MANGALORE PIN-575 001.

...RESPONDENTS

(BY SRI ASHOK N PATIL, ADVOCATE FORR2
V/O DTD. 07.09.2026, NOTICE TO R1 IS DISPENSED WITH)

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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:27-10-2025 PASSED IN MVC No.315/2022 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 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 27.10.2025 passed in MVC No.315/2022 by VI Additional District and Sessions Judge and MACT, D.K.Mangaluru.

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 22.12.2021 contending that the accident occurred due to rash and negligent driving of the driver of Omni Car bearing registration No.KA-12/M-9563. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Head of Compensation	Amount
1.	Pain and Sufferings	Rs.40,000.00
2.	Loss of future income due to disability	Rs.2,10,600.00
3.	Medical expenses and future medical expenses	Rs.1,57,223.00
4.	Conveyance, food and nourishment, attendant charges and other incidental expenses	Rs.4,000.00
5.	Loss of income during laid up period	Rs.15,000.00
6.	Loss of amenities in life/Life comforts and expectancy of life	Rs.15,000.00
	Total	**Rs.4,41,823/-**

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4. The Tribunal also awarded interest at the rate of 6% per annum 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.

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

6. The accident occurred on 22.12.2021 and as on the date of accident the claimant was aged 46 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '13'.

7. The claimant's avocation is stated to be welder. Ex.P1 is the certificate issued by R.R. Engineering by its proprietor where it is stated that the injured - claimant was working as a welder for the last 05 years and getting salary of Rs.18,000/- per month by cash. The Tribunal has not considered the said document on the

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ground that its author is not examined. The Hon'ble Apex Court in the case of ***Rajwati @ Rajjo and Ors Vs United in India Insurance Co. Ltd***[1] has held that the salary certificate can be considered even though the author is not examined. Therefore, the income of the claimant is to be taken at Rs.18,000/- per month.

8. P.W.2 is the doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 11% disability to the upper limb and 21% disability to the left lower limb. The Tribunal has taken disability at 9%. In cases of disability to the upper limb, 1/4th of the same is to be taken as disability to the whole body and in cases of disability to the lower limb, 1/3rd of the same is to be taken as disability to the whole body. Therefore, the disability to be taken is 9.75% (2.75% + 7%) to the whole body. In view of the same,

[1] 2022 SCC OnLine SC 1699

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loss of future income due to disability is calculated as under:

Rs.18,000/- x 12 x 13 x 9.75% = Rs.2,73,780/-.

9. The claimant has sustained the following injuries:

i) Lacerated wound on the left side of the head over the left parieto-occipital region measuring 2cm x 0.5cm x bone deep.
ii) Reddish abraded contusion on the left side of the head measuring 1.5cm x 1.5cm.
iii) Reddish abrasion on the back of the left elbow measuring 2cm x 1cm.
iv) Reddish abraded contusion on the left forearm measuring 3.5cm x 2cm with overlying swelling and deformity with underlying fracture of both bones (radius and ulna) of left forearm (X-Ray of Left Forearm AP/Lateral dated 22-12-2021].
v) Reddish abrasion on the left wrist measuring 1.5cm x 1.5cm.
vi) Reddish abrasion on the right hand measuring 1.5cm x 1cm.

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vii) Reddish abraded contusion on the left side of the chest measuring 3cm x 2cm.

viii) Reddish abraded contusion on the left hip measuring 4.5cm x 3cm with underlying left femur intertrochanteric fracture [X-Ray of Pelvis AP+ Bilateral Hips dated 22-12-2021].

ix) Reddish abrasion on the left knee measuring 2cm x 1cm.

x) Reddish abrasion on the right ankle measuring 2cm x 1cm.

Out of those 10 injuries, 02 are fractures and other 08 are simple injuries. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.40,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.80,000/-. The Tribunal considering the documents produced and evidence of the doctor with regard to future medical expenses has rightly awarded Rs.1,57,223/- which includes Rs.30,000/- towards future medical expenses. The claimant has been

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admitted in the hospital for 04 days and considering the same, the Tribunal has rightly awarded Rs.4,000/- towards attendant and conveyance charges, food and nourishment etc,. Considering the injuries and fracture sustained by the claimant, he has to take rest at least for 03 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.54,000/- (Rs.18,000/- x 03 months) as against Rs.15,000/- awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,00,000/-
02.	Towards Medical Expenses and future medical expenses	1,57,223/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	4,000/-
04.	Towards loss of amenities	80,000/-
05.	Towards loss of future income due to disability	2,73,780/-
06.	Toward loss of income during laid up period	54,000/-
	Total	**6,69,003/-**

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The claimant is entitled to total compensation of Rs.6,69,003/- as against Rs.4,41,823/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.2,27,180/- 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.

11. 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.2,27,180/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest

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before the Tribunal within a period of 06 weeks from this day.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 44
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