



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 846 OF 2014 (MV-I)

BETWEEN:

SUDEEPA SHETTY
AGED ABOUT 30 YEARS,
S/O SADHU SHETTY,
R/O "HOSUVAKULU" HOUSE,
MUNIYALUBAILU, MUNIYAL POST,
VARANGA VILLAGE, KARKALLA TQ,
KARKALLA - 576 112.

...APPELLANT

(BY SRI. PREETHI A., ADVOCATE FOR
SRI. THEJAS RAI K.,ADVOCATE)

AND:

1. JEEVANADAS ADYANTHYA,
AGED ABOUT 38 YEARS,
R/AT VISHALMOTORS PULKERI,
KARKALLA TQ, UDUPI DISTRICT
KARKALA - 576 102.
2. THE UNITED INDIA INSURANCE CO.LTD
REP. BY NEAREST DIVISIONAL MANAGER,
DIVISIONAL OFFICE, JEWELL PLAZA,
OPP SRINIDHI MEDICAL,
NEAR CHITHARANJAN CIRCLE,
UDUPI TQ, UDUPI DISTRICT - 576 102.

...RESPONDENTS





(BY SRI. A S MAHESHA.,ADVOCATE AND
SRI. G KISHORE KUMAR.,ADVOCATE FOR R1;
SRI. LAKSHMINARASAPPA., ADVOCATE FOR
SRI. A M VENKATESH., ADVOCATE FOR R2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.10.2013 PASSED IN MVC
NO.770/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE, &
ADDITIONAL MACT, KARKALA, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL JUDGMENT

Aggrieved by the award passed in MVC No.770/2012
dated 25.10.2013 passed by the Senior Civil Judge and AMACT,
Karkala, the claimant is before this Court seeking enhancement
of the compensation.

2. The Tribunal has awarded the compensation as per the
table given below:

Sl.No	Heads	Compensation Awarded
1.	Pain and agony	Rs.55,000/-
2.	Loss of amenities of life	Rs.30,000/-



3.	Rest, nourishment and attendant charges	Rs.12,000/-
4.	Medical expenses	Rs.1,27,152/-
5.	Future medical expenses	Rs.15,000/-
6.	Disfiguration & Marriage prospects	Rs.30,000/-
7.	Loss of income during laid period	Rs.10,000/-
8.	Conveyance	Rs.10,000/-
9.	Loss of future income	Rs.1,63,200/-
	TOTAL	Rs.4,52,352/-

3. Learned counsel appearing for the claimant submits that when the claimant had sustained crush injury, amputation of two fingers and also femur fracture, under the head of pain and suffering, the Tribunal has not granted a reasonable compensation. Coming to the loss of future income, doctor has deposed that the disability that is sustained to the whole body is 67%. The Tribunal had taken only 10%. Further under the head of loss of income during the laid-up, the Tribunal had granted only an amount of Rs.10,000/-. On all the other heads the compensation that is awarded by the Tribunal is not reasonable.

4. Learned counsel appearing for the respondent/insurance company submits that the Tribunal has granted interest at 8%, which is on the higher side and further it is submitted that on all the counts, the compensation granted



by the Tribunal is on the higher side and no interference is called for.

5. Having heard the learned counsels on either side, perused the entire material on record. Under the head of **pain and suffering**, considering the crash injury and the amputation of two fingers and also the fracture, this Court is granting an amount of **Rs.80,000/-**. Considering that the claimant was in hospital for 17 days, therefore, under **the head of incidental expenses**, this Court is granting an amount of **Rs.17,000/-**. Towards **medical expenses**, as per the evidence the Tribunal has granted an amount of **Rs.1,27,152/-** and no interference is called for. Coming to the loss of income during the laid up period, the Tribunal had taken the income at Rs.8,000/- per month. Considering the injuries for a period of three months, under the heads of **loss of income during the laid up period** this Court is granting an amount of **Rs.24,000/-**. Coming to the loss of future income when the doctor has deposed that the limb disability is 67%, the Tribunal without any basis had taken 10%. Hence $\frac{1}{3}^{\text{rd}}$ of that would come to 22%. Hence this court is taking disability at 22%, which comes to Rs.3,59,040/- ($8,000 \times 12 \times 17 \times 12 / 100$).



HC-KAR

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Hence under **head of the loss of future income**, this Court is granting an amount of **Rs.3,59,040/-**. Coming to the loss of amenities, future medical expenses, disfiguration and marriage prospects, the Tribunal has already granted reasonable compensation, no enhancement is called for.

6. In the light of the law laid down by the Hon'ble Supreme Court in the case of **V.Mekala Vs. M. Malathi and Another¹**, the claimant is entitled for an amount of **Rs.10,000/-** towards **legal expenses**.

7. The claimant is therefore, entitled for compensation under the following heads:

SL. No.	Heads	Compensation Awarded by Tribunal		Compensation Awarded by this Court
1.	Pain and agony	Rs.	55,000/-	80,000/-
2.	Loss of amenities of life	Rs.	30,000/-	30,000/-
3.	Rest, nourishment and attendant charges	Rs.	12,000/-	17,000/-
4.	Medical expenses	Rs.	1,27,152/-	1,27,152/-
5.	Future medical expenses	Rs.	15,000/-	15,000/-
6.	Disfiguration & Marriage prospects	Rs.	30,000/-	30,000/-
7.	Loss of income during laid period	Rs.	10,000/-	24,000/-

¹(2014) 11 SCC 178



8.	Conveyance	Rs.	10,000/-	00/-
9.	Loss of future income		1,63,200/-	3,59,040/-
10.	Legal expenses	Rs.	00/-	10,000/-
	TOTAL	Rs.	4,52,352/-	6,92,192/-

8. Altogether, the claimant is entitled for compensation of an amount of **Rs.6,92,192/-**.

- i. Accordingly, the appeal filed by the claimant is ***partly allowed*** by enhancing the compensation from an amount of Rs.4,52,352/- to **Rs.6,92,192/-**.
- ii. The enhanced amount shall carry interest at 6% per annum from the date of petition till the date of realization.
- iii. The respondent No.2-Insurance Company shall deposit the amount within a period of eight weeks from the date of receipt of copy of the judgment. On such deposit, the claimant is entitled to withdraw the entire amount.
- iv. Registry is directed to return the Trial Court Records to the Tribunal, along with certified copy of



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the order passed by this Court forthwith without any delay.

- v. No costs.
- vi. Pending miscellaneous petitions, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 2 Sl No.: 5