



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.3039/2020 (MV-I)

BETWEEN:

SRI. PRAKASH SHETTY
S/O JAYAKARA SHETTY
AGED ABOUT 44 YEARS
R/AT SANNIDI
NEAR DHUMAVATHI TEMPLE
MOODU ALEVOOR
UDUPI TQ AND DIST-574118.

...APPELLANT

(BY MS. PAVANA B.K. ADV., FOR
MR. PRATHEEP K.C. ADV.,)

AND:

1. ROBERT PUTADO
S/O ANTONY PUTADO
AGED ABOUT 48 YEARS
R/AT NEAR IRODI PANCHAYATH
SASTANA, UDUPI TALUK
UDUPI DISTRICT-574118.
2. THE UNITED INDIA INS. CO. LTD.,
DIVISIONAL MANAGER
DIVISIONAL OFFICER
JEWEL PLAZA, 1ST FLOOR
MARUTHI VEETHIKA
UDUPI-574118.

...RESPONDENTS

(BY SRI.RAVISH BENNI, ADV., FOR R2
R1 SERVICE OF NOTICE ISD/W V.C.O.DTD:29.10.2025)





THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.02.12.2019 PASSED IN MVC NO.78/2017 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, UDUPI, 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured/claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 02.12.2019 passed in MVC.No.78/2017 by the Additional Senior Civil Judge and Additional MACT, Udupi, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Ms.Pavana B.K., learned counsel for Sri.Pratheep K.C., learned counsel for the appellant submits that the Tribunal erred in assessing the income of



the injured at Rs.8,000/- as well as the disability at 25% to the whole body. The said assessment is contrary to the evidence of the injured as well as of PW2 and other medical evidence on record. It is submitted that the award of compensation towards pain and suffering, loss of amenities, loss of income during the laid-up period and miscellaneous expenses is also on the lower side. Hence, she seeks to re-assess the same by considering the evidence on record by allowing the appeal.

4. Per contra, Sri.Ravish Benni, learned counsel for the respondent-Insurance Company supports the impugned judgment and award of the Tribunal and submits that the appellant-injured has failed to produce any evidence before the Tribunal with regard to the income. Hence, the assessment of the income by the Tribunal is just and correct. It is submitted that PW2 has assessed the disability to a particular limb at 35% and by considering the same, the Tribunal assessed the disability of 18%, which itself is on the higher side. It is further



submitted that the award of compensation by the Tribunal under all heads is just and proper and needs no interference. Hence, seeks to dismiss the appeal.

5. Having heard the learned counsel appearing on both the sides, it is to be noticed that the appellant-injured met with a road accident on 03.05.2016. As per the pleadings, the appellant was an auto-driver working with the respondent No.1 and earning more than Rs.10,000/- per month. Admittedly, no proof of income was placed before the Tribunal and in the absence of the same, the income of the injured is re-assessed notionally at Rs.9,500/- per month by placing reliance on the notional income chart prepared by KSLSA. Considering the oral evidence of PW2, wound certificate as per Ex.P4, Disability Certificate as per Ex.P9, the Tribunal assessed the disability at 18%, which in my considered view is just and proper and needs no modification. Considering that the appellant was aged about 37 years as on the date of accident, the appropriate multiplier would be 15, which



has been rightly considered by the Tribunal. Hence, the appellant is entitled to compensation under the head of loss of future income due to disability as under:

$$\text{Rs.}9,500 \times 12 \times 15 \times 18\% = \textbf{Rs.3,07,800/-}.$$

6. It is to be noticed that the appellant was in-patient for 8 days and he lost his income during the treatment period and post treatment. The wound certificate as per Ex.P4 indicates that the appellant sustained injury to the spinal cord. Considering the nature of injury suffered as is evident from the wound certificate as per Ex.P4, and in-patient for 8 days, I am of the considered view that the compensation is required to be re-assessed appropriately.

7. Hence, the appellant would be entitled to compensation of **Rs.15,000/-** towards food, nourishment, attendant, conveyance expenses; **Rs.28,500/-** (Rs.9,500 X 3) towards the loss of income during laid-up period; **Rs.45,000/-** towards pain & suffering; **Rs.40,000/-**



towards loss of amenities in life. The compensation awarded by the Tribunal towards medical expenses is unaltered. Thus, the appellant would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Medical expenses	27,585
Food, nourishment, attendant, conveyance expenses	15,000
Loss of income during laid up period	28,500
Loss of future income due to disability	3,07,800
Pain & suffering	45,000
Loss of amenities, future happiness	40,000
Total	4,63,885
Rounded off to	4,64,000

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.4,64,000/-** as against Rs.3,66,000/- awarded by the Tribunal.

8. In the result, this Court proceeds to pass the following:

ORDER

a) Appeal is ***allowed in part.***



- b) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to a total compensation of **Rs.4,64,000/-** as against Rs.3,66,000/- awarded by the Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.
- d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- e) The entire compensation amount shall be released in favour of the appellant-claimant.
- f) Registry shall transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE