



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 3183 OF 2019 (MV-I)

BETWEEN:

SRI SHRAVAN A C
S/O SHREEHARI A.C.
AGED ABOUT 20 YEARS
R/O CHEENADI HOUSE
ADOOR VILLAGE
KASARAGODU TALUK & DIST
KERALA STATE.

...APPELLANT

(BY SRI HALEEMA AMEEN, ADV., FOR
SRI ASHOK KUMAR SHETTY K, ADV.)

AND:

1. K. SHOBITHA RAO
D/O K.V. KESHARI
MAJOR
R/AT KOLANDOOR HOUSE
KODIMBALA VILLAGE
KADABA POST, PUTTUT TQ D.K.

2. THE BRANCH MANAGER
UNITED INSURANCE CO. LTD
PRABHU BUILDING
MAIN ROAD, PUTTUR D.K.

...RESPONDENTS

(BY SRI Y.P. VENKATAPATHI, ADV., FOR R-2;
R-1 SERVED & UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.11.2018 PASSED IN MVC
NO.372/2018 ON THE FILE OF THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE & MEMBER, ADDITIONAL MACT, D.K, MANGALURU,
SITTING AT PUTTUR, D.K, 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 19.11.2018 passed in MVC No.372/2018 by the Court of V Addl. District & Sessions Judge & Member, Addl. MACT, D.K. Mangaluru, sitting at Puttur, D.K., (for short, 'Tribunal').

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

3. Smt. Haleema Ameen, learned counsel for the appellant submits that the Tribunal has committed a grave error in not awarding any compensation under the head of loss of future income due to disability which is assessed at 10% to the whole body. It is submitted that the injured who was a MBBS student had sustained grievous injuries



in the road accident and suffered disability. He was treated as an inpatient for a period of six days in the hospital. Hence, she seeks to award just compensation by enhancing the compensation on other heads. Accordingly, she prays to allow the appeal.

4. *Per contra*, Sri Venkatapathi, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the appellant was a student of SDM Medical College, Dharwad, and pursuing his education. Hence, there is no loss in his education, and therefore, he would not be entitled for compensation under the head of loss of income due to disability. He submits that award of compensation on all other heads is just and proper. There is no scope for interference. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel for the appellant, the learned counsel for the



respondent and meticulously perused the material available on record.

6. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

7. The material on record would indicate that in a road traffic accident that occurred on 28.01.2018, the appellant had sustained the following injuries:

- (i) Fracture lower 1/3rd of the right radius bone;
- (ii) Subluxation of the MCP joints of the 2nd & 3rd.

8. The appellant was provided treatment at Adarsha Hospital, Puttur, and he was inpatient in the said hospital from 28.01.2018 to 02.02.2018 and post discharge he was required to take follow-up treatment. In order to prove the claim, the injured examined himself as



PW-1 and got examined two witnesses as PW-2 & PW-3 and got marked Exs.P-1 to P-18. On behalf of the respondent, the insurance policy was got marked as Ex.R-1.

9. The parties to the proceedings do not dispute the accident, the injuries sustained and the liability to pay the compensation. Perusal of the oral testimony of PW-2 & PW-3 and other medical records would indicate that the appellant has sustained fracture of lower 1/3rd of right radius bone and other injuries. He was provided treatment as inpatient for a period of six days. PW-2 has deposed that the appellant had sustained 24.8% permanent disability in the right upper limb. Considering the same, the Tribunal has assessed the disability at 10% to the whole body. In my considered view, the assessment of disability at 10% does not call for any interference.

10. Admittedly, the appellant was a MBBS student. Hence, his income has to be notionally assessed at



Rs.15,000/- per month and compensation under the head of loss of future income due to disability is assessed as under:

$$\text{Rs.15,000/-} \times 12 \times 18 \times 10\% = \text{Rs.3,24,000/-}$$

It is to be noticed that though the Tribunal considered the disability and income, it has erred in calculation of the loss of income due to disability and only awarded compensation of Rs.27,000/- which is required to be re-assessed to the aforesaid affect.

11. Having re-assessed the compensation under the head of loss of disability, the compensation under the other heads is required to be re-assessed appropriately. Thus, the appellant would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	50,000/-
Medical expenses	53,598/-
Food, nourishment, attendant charges, etc.	20,000/-



Loss of future income due to disability	3,24,000/-
Loss of amenities	50,000/-
Loss of income during laidup period	15,000/-
Total	5,12,598/-

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.5,12,598/-** as against Rs.1,21,600/- awarded by the Tribunal.

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

ORDER

- a) The appeal is ***allowed in part.***
- b) The impugned judgment and award dated 19.11.2018 passed by the Tribunal in M.V.C.No.372/2018 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.5,12,598/-** as against Rs.1,21,600/- awarded by the Tribunal.
- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.



- d) The respondent-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 the certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Registry shall transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

KK
List No.: 1 Sl No.: 10