



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5592 OF 2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5296 OF 2024 (MV-I)

MISCELLANEOUS FIRST APPEAL NO. 5632 OF 2024 (MV-I)

IN MFA No. 5592/2024

BETWEEN:

1. SMT MANJULA
W/O SRI MANJUNATHA P S @ SOMA
AGED ABOUT 41 YEARS,
R/AT SANNAIAH STREET,
PERIYAPATNA TOWN
PERIYAPATNA TALUK
MYSURU DISTRICT

...APPELLANT

(BY SRI. CHANDRASHEKHAR R., ADVOCATE AND
SRI. K.V. NAIK, ADVOCATE)

AND:

1. MR V ABDUL KHADAR
S/O MR. VEERAN KUTTY,
AGED ABOUT 55 YEARS,
REG. NO. TN38 BA 8781.
R/AT NO. 43, KATTUR ROAD,
KARIMEDU METTUPALYAM,
COIMBATORE-641301,
TAMIL NADU.





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2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LTD..
DIVISIONAL OFFICE, METTUPALYAM,
129C, KOVAI MAIN ROAD,
METTUPALYAM,
COIMBATORE-641301
TAMILNADU.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2
VIDE ORDER DATED 05.02.2026,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 24.07.2020 PASSED IN MVC
NO.209/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, MACT, PERIYAPATNA, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

IN MFA NO. 5296/2024

BETWEEN:

1. SRI MANJUNATHA P S @ SOMA
S/O SHIVANNA
AGED ABOUT 51 YEARS,
R/AT SANNAIAH STREET,
PERIYAPATNA TOWN
PERIYAPATNA TALUK,
MYSURU DISTRICT.

...APPELLANT

(BY SRI. CHANDRASHEKHAR R., ADVOCATE AND
SRI. K.V. NAIK, ADVOCATE)



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AND:

1. MR V ABDUL KHADAR
S/O MR. VEERAN KUTTY,
AGED ABOUT 55 YEARS,
R/AT NO.43, KATTUR ROAD,
KARIMEDU METTUPALYAM
COIMBATORE - 641301
TAMIL NADU
2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE,
METTUPALYAM, 129C,
KOVAI MAIN ROAD,
METTUPALYAM,
COIMBATORE - 641 301
TAMILNADU

...RESPONDENTS

(VIDE ORDER DATED 31.01.2026,

NOTICE TO R1 IS DISPENSED WITH

BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 24.07.2020 PASSED
IN MVC NO.205/2018 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND JMFC, MACT, PERIYAPATNA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 5632/2024

BETWEEN:

1. SRI PRAKASH
S/O BUNDAIAH
AGED ABOUT 44 YEARS



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R/AT HITNE HEBBAGILU VILLAGE AND POST
RAVANDUR HOBLI, PERIYAPATNA TALUK
MYSURU DISTRICT

...APPELLANT

(BY SRI. CHANDRASHEKHAR R., ADVOCATE AND
SRI. K.V. NAIK, ADVOCATE)

AND:

1. MR V ABDUL KHADAR
S/O MR VEERAN KUTTY
AGED ABOUT 55 YEARS
R/AT NO.43, KATTUR ROAD
KARIMEDU METTUPALYAM
COIMBATORE - 641 301
TAMIL NADU
2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LTD
DIVISION OFFICE
METTUPALYAM, 129C
KOVAI MAIN ROAD
METTUPALAYAM
COIMBATORE - 641 301
TAMILNADU

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.24.07.2020 PASSED IN
MVC NO.207/2018 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND JMFC, MEMBER, MACT, PERIYAPATNA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.



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THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. The common judgment and award dated 24.07.2020 passed by the Senior Civil Judge, JMFC and MACT, Periyapatna in MVC Nos. 205/2018, 206/2018, 207/2018, 208/2018 and 209/2018 is under consideration before this Court.

2. Out of the said cases, MFA No.5627/2024 arising out of MVC No.206/2018, MFA No.5295/2024 arising out of MVC No.208/2018 have already been settled before the Lok Adalat.

3. The present appeals, namely MFA No.5592/2024 arising out of MVC No. 205/2018, MFA No.5296/2024 arising out of MVC No. 205/2018 and MFA No. 5632/2024 arising out of MVC No.207/2018, have come up for consideration before this Court.



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4. Heard the arguments on both sides in all the appeals.

IN MFA NO.5592/2024 (MVC No.209/2018)

5. MFA No.5592/2024 is filed against the judgment and award passed by the Tribunal in MVC No.209/2018. It is the case of the claimant and she is a homemaker and was also assisting her husband in his vegetable business. The claimant, aged about 35 years, met with an accident on 10.05.2017 and filed a claim petition seeking compensation of Rs.13,55,000/-. The Tribunal after considering the entire evidence on record, awarded compensation of Rs.6,29,120/- with interest at the rate of 6% per annum from the date of petition till the date of deposit.

6. Aggrieved by the said judgment and award of the Tribunal, the claimant has preferred this appeal contending that amounts awarded under the other heads are meager. Hence, requested for enhancement of compensation.

7. As per Exhibit P8-wound certificate, the petitioner sustained one injury i.e., extension lacerated wound on the



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forehead 5" x 2" x 1". The Doctor, who issued Ex.P8 has opined that the injury is grievous in nature. The Doctor stated in his evidence that C.T. head showed communitied fracture of frontal bone, left supra orbital ridge, air pockets in left orbit, fracture of left maxillary sinus etc. He further stated that she was managed conservatively for head injury and OMFS surgeon advised surgery for facio maxillary injuries. He further stated that C.T. head (19.01.2019) showed old fractures involving left frontal bone and medial wall or orbit left side. He further stated that during follow up treatment the injured petitioner continues to complain of reduced memory, severe irritability and frustration and not able to do household work as effectively as before the head injury. The case sheet, discharge summary, disability certificate shows that the petitioner sustained communitied fracture of frontal bone, fracture of nasal bone, fracture of roof and lateral wall of left maxillary sinus with hemosinus.

8. It is contended that the Tribunal ought to have added 40% towards future prospects in terms of the law laid down by the Hon'ble Apex Court in ***Raj Kumar vs. Ajay***



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Kumar and Another (2011) 1 SCC 343, Kajal vs. Jagdish Chand and Others, AIR 2020 SC 776, Master Ayush vs. Branch Manager, Reliance General Insurance Co. Ltd. (2022 LiveLaw (SC) 330) and New India Assurance Co. Ltd. vs. Abdul and Another in MFA No.103807/2016 (DB) dated 27.05.2022.

9. PW-5, the doctor, has assessed the disability for ataxia (mild imbalance) based on Romberg's test, heel-to-toe test, reverse walking and walking on a single line at 15%. He has further assessed intellectual impairment at 20% and the total permanent disability at 35%. However, the Tribunal has considered the disability at 30% without any basis.

10. Therefore, this court finds it reasonable to consider the medical evidence and assess the disability at 35% to the whole body. The claimant is also entitled to 40% towards future prospects. Accordingly, the 'loss of future earning capacity' comes to Rs.10,34,880/- (11,000 + 40% x 12 x 16 x 35%).

11. The Tribunal has awarded a sum of Rs.48,320/- towards medical expenses based on documentary evidence and



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the same is confirmed. The claimant was hospitalized for a period of seven days. Therefore, this Court deems it reasonable to grant Rs.50,000/- towards 'pain and suffering', Rs.30,000/- towards 'loss of amenities', and Rs.30,000/- towards 'transportation, nourishment and attendant charges'. The claimant might not have attended any work at least for a period of three months. Therefore, compensation towards 'loss of income during laid-up period' is granted for three months, which comes to Rs.33,000/- (Rs.11,000 x 3).

12. Thus, in all, the claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Pain and suffering	50,000
2.	Medical Expenses	48,320
3.	Loss of income during laid up period (11,000 x 3)	33,000
4.	Loss of future earning capacity due to disability	10,34,880
5.	Loss of amenities	30,000
6.	Transportation, nourishment and attendant charges	30,000
Total		12,26,200

13. The Tribunal has awarded the compensation of Rs.6,29,120/- but the appellant/claimant is entitled to total



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compensation of Rs.12,26,200/-. Therefore, the appellant/claimant is entitled to enhanced compensation of Rs.**5,97,080/-** (Rs.12,26,200 – Rs.6,29,120).

14. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The judgment and award dated 24.07.2020 passed by the Senior Civil Judge and JMFC and MACT, Periyapatna in MVC No.209/2018 is hereby modified. The claimant is entitled for enhanced compensation of Rs.**5,97,080** /- along with interest at the rate of 6% per annum from the date of claim petition till the date of deposit.
- iii. Respondent No.2 is directed to deposit the enhanced compensation of Rs.**5,97,080** /- with interest at the rate of 6% per annum, within one month from the date of this judgment.
- iv. On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.



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v. Draw award accordingly.

IN MFA NO.5296/2024 (MVC 205/2018)

15. MFA No.5296/2024 has been filed against the judgment and award of the Tribunal in MVC No.205/2018. It is stated that the claimant was an agriculturalist and vegetable merchant. The claimant, who is aged 45 years, met with an accident on 10.05.2017 and filed claim petition claiming compensation of Rs.25,00,000/-. The Tribunal after considering the entire evidence on record, granted compensation of Rs.12,99,292/- along with interest at the rate 6% per annum from date of petition till the date of deposit.

16. Aggrieved by the said judgment and award of the Tribunal, the claimant has preferred this appeal contending that he was admitted as an inpatient for more than 20 days. He sustained grievous injuries and underwent major surgery. It is contended that the Tribunal granted meager amount under the other heads.

17. The learned counsel of the respondents states that the Doctor assessed the disability at 75% to the whole body. But the Tribunal has rightly taken the disability at 60% and



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therefore, it requires no interference. It is further stated that the claimant was earning Rs.5,00,000/- to Rs.10,00,000/- per annum, but he has not filed any income proof. As the accident occurred in the year 2017, the Tribunal has rightly taken the notional income at Rs.11,000/- per month. The claimant was aged 45 years at the time of the accident and the multiplier is taken as '14'.

18. Ex.P9 – Wound Certificate discloses that the claimant sustained the following injuries:

"1) Lacerated wound on the forehead, 5" x 1" x 1" clotted blood and tenderness present.

2) Tenderness on the left shoulder and left clavicle.

3) Tenderness on the back." Out of the said injuries, injuries Nos.1 and 3 are grievous in nature and injury No.2 is simple in nature.

19. The claimant examined the doctor as PW-4, who deposed that the claimant suffered a neck injury with severe weakness in all four limbs since the time of the accident and there was a history of nasal bleeding. He further stated that the power in the upper limbs was 2/5 and in the lower limbs was 1/5. The CT scan of the head showed a depressed fracture of



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the left frontal sinus outer table with adjacent air pockets. The MRI revealed PIVDC3-C4 with disc protrusion and features of cervical spinal cord contusion. It also revealed PIVDC6-C7 and soft tissue swelling in the prevertebral region from C1 to C4 causing significant narrowing of the airway anteriorly. He further deposed that the claimant was managed for severe spinal cord injury and underwent C3-C4 and C6-C7 discectomy with disc spacer insertion along with tracheostomy. The claimant continues to complain of weakness in all four limbs. He cannot get up without attendant support, cannot eat food with his hands and fingers as hand grip is poor, he requires attenders assistance for his personal hygiene and he occasionally even wets his clothes and has uncontrollable urge for bowel movements and he has fallen off several times on account of his limbs weakness and also he stated that his limbs remain in stiff position with reduced movements especially for performing fine works like buttoning up his shirt or wear clothes.



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20. Ex.C2 – Case Sheet and Ex.C1 – Disability Certificate have been produced. The doctor has assessed the disability as follows:

- "1) Right upper and lower limb weakness – 20%*
- 2) Left upper and lower limb weakness – 35%*
- 3) Incontinence of urine and bowel – 20%"*

Thus, the doctor assessed the total disability at 75% to the whole body. However, the Tribunal has taken the disability at 60% without any basis.

21. The learned counsel for the appellant contended that the disability should be treated as 100% since the claimant is unable to carry on his occupation. However, considering the medical evidence on record, this Court finds it appropriate to accept the medical assessment of 75% disability to the whole body. The claimant is also entitled to 25% towards future prospects. The claimant was aged 45 years at the time of the accident and the multiplier is to be taken as '14'. The 'loss of future earning capacity' comes to Rs.17,32,500/- (11,000 + 25% x 12 X 14 x 75%).



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22. The Tribunal has awarded for an amount of 40,000/- towards pain and suffering, 15,000/- towards loss of income during laid up period. 40,000/- towards loss of amenities, 25,000/- towards diet and other charges. The claimant has incurred Rs.3,72,892/- towards medical expenses as per Ex.P18-the medical bills paid by him and the said amount is confirmed.

23. As per the discharge summary, the claimant was hospitalized for a period of 20 days. Considering the nature of injuries, the period of hospitalization and other relevant factors, this court finds it reasonable to grant an amount of Rs.1,00,000/- towards 'pain and suffering', Rs.50,000/- towards 'loss of amenities' and Rs.40,000/- towards 'transportation, extra nourishment and attending charges'. The claimant might not have attended any other work at least for a period of 4 months. Therefore, Rs.44,000/- (11,000/- x 4) is to be granted under the head of 'loss of income during laid up period'.

24. Thus, in all, the claimant is entitled for the following compensation:



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SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Loss of future earning capacity due to disability	17,32,500
2.	Medical Expenses	3,72,892
3.	Loss of income during laid up period (11,000 x 4)	44,000
4.	Pain and suffering	1,00,000
5.	Loss of amenities	50,000
6.	Transportation, Attendant, food and nourishment charges	40,000
Total		23,39,392

25. The Tribunal has awarded the compensation of Rs.12,99,292/- but the appellant/claimant is entitled to total compensation of Rs.23,39,392/-. Therefore, the appellant/claimant is entitled to enhanced compensation of Rs.**10,40,100/-** (Rs. 23,39,392- Rs.12,99,292).

26. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The judgment and award dated 24.07.2020 passed by the Senior Civil Judge and JMFC and MACT, Periyapatna in MVC No.205/2018 is hereby modified. The claimant is entitled for enhanced compensation of Rs.**10,40,100/-** along with



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interest at the rate of 6% per annum from the date of claim petition till the date of deposit.

- iii. Respondent No.2 is directed to deposit the enhanced compensation of Rs.**10,40,100/-** with interest at the rate of 6% per annum within one month from the date of this judgment.
- iv. On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.
- v. Draw award accordingly.

IN MFA NO.5632/2024(MVC 5623/2024)

27. MFA No.5632/2024 has been filed against the judgment and award of the Tribunal in MVC No.275/2018. It is stated that the claimant was the driver of car bearing registration No.KA-53-N-5398. The claimant was aged 38 years and has met with an accident on 10.05.2017 and filed claim petition claiming compensation of Rs.5,04,000/-. The Tribunal after considering the entire evidence on record, granted compensation of Rs.1,20,000/- along with interest at



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the rate 6% per annum from date of petition till the date of deposit.

28. Aggrieved by the said judgment and award of the Tribunal, the claimant has preferred this appeal contending that he sustained permanent disability in the said accident. It is further contended that he was an agriculturist and was earning Rs.5 lakhs per annum and that he was the sole earning member of his family. He was hospitalized for a period of ten days. Therefore, the compensation awarded under the other heads is meager and he requests for enhancement of compensation.

29. Ex.P10 – Certified copy of the wound certificate shows that the claimant sustained the following injuries:

"1) Lacerated wound on the left side of the forehead measuring 2" x 1" x 1" with clotted blood present.

2) Abrasion on the forehead.

3) Tenderness on the left thigh."

Out of the said injuries, injuries Nos.1 and 3 are grievous in nature and injury No.2 is simple in nature.



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30. As there is no proof of income produced by the claimant, this Court deems it appropriate to take the notional income at Rs.11,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority, since the accident occurred in the year 2017. The claimant was aged 38 years at the time of the accident and the multiplier is to be taken as '15'.

31. Though Ex.P10 – wound certificate shows that the claimant sustained three injuries, out of which two are grievous in nature, the claimant has not examined the doctor to establish any permanent disability. Therefore, the question of granting compensation under the head loss of future earning capacity does not arise.

32. The claimant was hospitalized for 10 days. Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to grant an amount of Rs.50,000/- towards 'pain and suffering', Rs.25,000/- towards 'loss of amenities', Rs.30,000/- towards 'transportation, extra nourishment and attendant charges'. The claimant might not have attended any other work at least for a



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period of three months. Therefore, Rs.33,000/- (11,000 x 3) is to be granted under the head of 'loss of income during laid-up period'

33. Thus, in all, the claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Pain and suffering	50,000
2.	Loss of amenities	25,000
3.	Transportation, Attendant, food and nourishment charges	30,000
3.	Loss of income during laid up period (11,000 x3)	33,000
Total		1,38,000

34. The Tribunal has awarded the compensation of Rs.1,20,000/- but the appellant/claimant is entitled to total compensation of Rs.1,38,000/-. Therefore, the appellant/claimant is entitled to enhanced compensation of **Rs.18,000/-** (Rs.1,38,000 – Rs.1,20,000).

35. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.



- ii. The judgment and award dated 24.07.2020 passed by the Senior Civil Judge and JMFC and MACT, Periyapatna in MVC No.207/2018 is hereby modified. The claimant is entitled for enhanced compensation of Rs.18,000/- along with interest at the rate of 6% per annum from the date of claim petition till the date of deposit.
- iii. Respondent No.2 is directed to deposit the compensation amount along with interest at the rate of 6% per annum within one month from the date of this judgment.
- iv. On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.
- v. Draw award accordingly.

Sd/-
(P SREE SUDHA)
JUDGE