



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.8622/2018 (MV-I)

BETWEEN:

MR. MUJAHID KHAN
S/O BABUKHAN
AGED ABOUT 27 YEARS
R/AT NO.12, G.H. RISALA
TUMKUR TALUK
TUMKUR DISTRICT-572 118.

...APPELLANT

(BY SRI. MOHAMMED SHERIFF, ADV.,)

AND:

1. THE MANAGER
THE UNITED INDIA INSURANCE CO LTD,
T B HUB, KRUSHI BHAVAN BUILDING
6TH FLOOR, HUDSON CIRCLE
BANGALORE 01.
2. MR. PERIASWAMY .N
S/O NAGULSAMY
NO. 18/8, BAZAAR STREET
ANEKAL TOWN, ANEKAL
BENGLAURU 562106.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADV., FOR R1
V/O/DTD:22.08.2024 NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 22/03/2018, PASSED IN MVC
NO.7503/2016, ON THE FILE OF THE XIX ADDITIONAL SMALL





CAUSE JUDGE & MACT, (SCCH-17), BENGALURU, 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 for higher compensation challenging the judgment and award dated 22.03.2018 passed in MVC.No.7503/2016 by the MACT and XIX Additional Small Causes Judge, Bengaluru (SCCH-17), (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. Smt.Ambika M., learned counsel for Sri.Mohammed Sheriff, learned counsel appearing for the appellant submits that the Tribunal has erred in assessing the income of the injured appellant at Rs.8,000/- by ignoring the oral testimony of the appellant and other



evidence on record. It is submitted that the appellant was carrying on a chicken vending business and was earning more than Rs.12,000/- per month. It is further submitted that the award of compensation under the head of loss of income during the laid-up period and loss of future income due to disability is required to be modified. It is also submitted that the award of compensation under all other heads appears to be just and proper. Hence, she seeks to allow the appeal.

4. Per contra, Sri.B.C.Shivanne Gowda, learned counsel for respondent No.1/insurance Company supports the impugned judgment and award of the Tribunal and submits that no cogent evidence was placed before the Tribunal with regard to the income of the appellant. Hence, assessment of the income made by the Tribunal is just and proper. It is submitted that the Tribunal has awarded just and fair compensation under all other heads, which does not call for any interference. Hence, he seeks to dismiss the appeal.



5. I have heard the arguments of the learned counsel appearing for the appellant, the learned counsel for respondent No.1 and meticulously perused the material available on record.

6. The point that arises for consideration in this appeal is ***"Whether the impugned judgment and award of the Tribunal calls for any interference?"***

7. The records indicate that the appellant sustained injuries in a road accident dated 17.06.2016 and took treatment at M.C. Orthopedic Centre, Tumkur. The appellant claimed that he was running a chicken centre at Tumkur and was earning Rs.12,000/- per month. However, no proof of income was placed before the Tribunal. Therefore, his income is notionally reassessed at Rs.9,500/- per month by placing reliance on the notional income chart prepared by the KSLSA. The Tribunal considering the nature of injuries suffered by the appellant, has rightly assessed the disability at 6%. It is



not in dispute that the claimant was aged about 25 years at the time of the accident. Therefore, the appropriate multiplier would be 18, 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:

$$\text{Rs.}9,500 \times 12 \times 18 \times 6\% = \text{Rs.}1,23,120/-.$$

8. Taking note of the treatment provided to the appellant, I am of the considered view that the compensation under the head of attendant charges, food and nourishment and conveyance expenses is required to be enhanced to Rs.10,000/-. The appellant would be entitled to ***Rs.28,500/-*** (Rs.9,500X 3) towards the loss of income during laid-up period. The award of compensation by the Tribunal under the other heads remains unaltered. For the aforementioned reasons, the appellant is entitled to the modified compensation as under:



HEADS	AMOUNT (in Rs.)
Pain & suffering	40,000
Loss of amenities	20,000
Medical expenses	57,678
Loss of income during the laid-up period (Rs.9500 X 3)	28,500
Loss of future income due to disability	1,23,120
Attendant charges, food and extra nourishing & conveyance etc.	10,000
Total	2,79,298

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.2,79,298/-** as against Rs.2,50,358/- awarded by the Tribunal.

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

ORDER

- a) Appeal stands ***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.2,79,298/-** as



against Rs.2,50,358/- 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) On such deposit, the Tribunal shall release the entire enhanced compensation amount in favour of the appellant.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE