



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 1061/2025 (MV-I)**

**BETWEEN:**

SRI. JAMSHID  
S/O. MAIDIN SAB  
AGED ABOUT 57 YEARS,  
R/AT K.S. PALYA VILLAGE,  
GNADALU, HULIYAR HOBLI,  
TUMKUR DISTRICT-571 604.

...APPELLANT

(BY SRI. M V MAHESWARAPPA., ADVOCATE)

**AND:**

1. MIJJAHD PASHA  
S/O. GOUSEPEER,  
R/O.184, BANASHANKARI EXTN.  
C.N.HALLI TOWN, C.N. HALLI TALUK,  
TUMKUR DISTRICT - 571 604.
2. THE BRANCH MANAGER,  
M/S. UNITED INDIA INSURANCE CO. LTD.,  
BRANCH OFFICE: RAGHAVENDRA COLONY,  
B.H. ROAD, TIPTUR,  
TUMKUR DISTRICT-572 201.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA FOR R2,  
V/O DTD:30.08.2025 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE  
JUDGMENT AND AWARD DT.14.09.2023 PASSED IN MVC  
NO.830/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND





MACT, CHIKKANAYAKANAHALLI, 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 MRS. JUSTICE P SREE SUDHA

### **ORAL JUDGMENT**

This appeal is filed against the judgment and award dated 14.09.2023 passed by the Senior Civil Judge and MACT, Chikkanayakanahalli in MVC No.830 of 2018.

2. The injured claimant, aged 50 years, met with an accident on 01.07.2017, and filed a claim application claiming compensation of Rs.25,00,000/- with interest. The Tribunal, considering the entire evidence on record, granted the global compensation of Rs.50,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

3. Aggrieved by the said order, the claimant preferred this appeal and mainly contended that he was admitted in the hospital for a period of 15 days. He incurred Rs.25,000/- towards medical bills and filed relevant documents. He sustained grievous injuries, but the Tribunal granted inadequate compensation and not granted any amount under



the head loss of disability, loss of income, amenities, laid up period, future medical expenses and thus, requested for enhancement of the compensation.

4. Heard the learned counsel for both sides.

5. The petitioner has stated that he was doing timber business and earning Rs.25,000/- per month, but he has not filed income proof to that effect. Since, he met with the accident on 01.07.2017, as per the chart prepared by Karnataka State Legal Services Authority, his notional income is taken as Rs.11,000/- per month. He was aged 50 years and the multiplier is 13.

6. As per the wounds certificate-Ex.P.3, the petitioner sustained injuries on his right leg and right tibia and tenderness all over the body, which are grievous in nature. The petitioner also examined the doctor as PW2 and he is an orthopedic surgeon. He issued disability certificate under Ex.P.25 and assessed the disability of 30% of the right lower limb and 10% of the whole body. He further stated that the petitioner requires another surgery for removal of the implants in situ in



right tibia, but the cost of surgery is not estimated. Therefore, considering the medical evidence, this Court finds it reasonable to take the disability as one third of 30%, i.e. 10%. So the loss of future earning capacity comes to Rs.1,71,600/- (11,000x12x13x10%). The petitioner was hospitalized for a period of 15 days. Considering his occupation, period of hospitalisation and the nature of injuries, this Court finds it reasonable to grant an amount of Rs.30,000/- for pain and suffering, Rs.15,000/- for loss of amenities, Rs.30,000/- for transportation, extra nourishment and attendant charges. This Court finds it reasonable to grant an amount of Rs.10,000/- towards medical expenses and Rs.15,000/- for future medical expenses. The petitioner might not have attended any other work at least for a period of three months, therefore, Rs.33,000/- (11,000 x 3) is granted under the loss of income during the laid up period. Thus, the total compensation comes to Rs.2,99,600/-.

7. In all, the claimant is entitled for the compensation of Rs.2,99,600/- with interest at 6% per annum as against Rs.50,000/- awarded by the Tribunal.



8. The award of compensation passed by the Tribunal is modified as under:

| Heads  | Amount in Rs.               |
|--|-----------------------------|
| 1. Loss of future income                                   | 1,71,600/-                  |
| 2. Medical expenses  | 10,000/-                    |
| 3. Pain and Suffering                                      | 30,000/-                    |
| 4. Loss of amenities                                       | 15,000/-                    |
| 5. Transportation, extra nourishment and attendant charges | 30,000/-                    |
| 6. Loss of earning during the laid up period               | 33,000/-                    |
| 7. Future Medical expenses                                 | 15,000/-                    |
| Total  | 2,99,600/- or<br>3,04,600/- |

9. In the result, the following order is passed:

(i) Appeal is allowed in part.

(ii) The petitioner-claimant is entitled for the total compensation of Rs.2,99,600/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) The respondent insurance company has already deposited the awarded amount before the Tribunal, and



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therefore, they are directed to deposit the enhanced amount of Rs.2,49,600/- with interest at 6% per annum within one month from the date of this order.

(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with the interest accrued on it.

**Sd/-**  
**(P SREE SUDHA)**  
**JUDGE**

CS  
CT:NR  
List No.: 1 Sl No.: 94