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NC: 2024:KHC-D:9982

MFA NO. 100372 OF 2022

**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
102649 OF 2022**

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 18TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MR JUSTICE VENKATESH NAIK T

M.F.A. NO. 100372 OF 2022 C/W

**M.F.A. NOS.102593, 102595, 102589, 102594, 102591,
102592, 102586, 102587, 102590, 102596, 100593, 100373,
100594 AND 102649 OF 2022 (MV)**

IN MFA NO.100372/2022:

BETWEEN:

SRI. THIPPESHARADDY S/O. GOVINDARADDY BANAKAR
AGE 40 YEARS, OCC: BUSINESS WORK, (NOW NIL),
R/O/ TEREDAHALLI VILLAGE,
TQ. RANEBENNUR, DIST. HAVERI.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
S. S. SUDAMBI, BUILDING APMC ROAD,
EASTERN EXTENSION, RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2;
NOTICE TO R1 & R3 DISPENSED WITH)





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102649 OF 2022

THIS MFA IS FILED U/S.173(1)OF MOTOR VEHICLES ACT 1988, PRAYING TO CALL FOR RECORDS FROM THE HON'BLE 1 ADDL. SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C. NO.534/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102593/2022:

BETWEEN:

SRI. C. P. RAGHAVENDRA S/O. T. PUTTARAJU,
AGE: 29 YEARS, OCC: BUSINESS, (NOW NIL),
R/O. 5TH CROSS, JAI MARUTHI NAGAR,
BENGALURU NORTH, NANDINI LAYOUT,
BENGALURU-560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST- SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
S. S. SUDAMBI, BUILDING APMC ROAD,
EASTER EXTN. RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

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102590, 102596, 100593, 100373, 100594,
102649 OF 2022

NO.535/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102595/2022:

BETWEEN:

SRI. SHASHIKANT S/O. T. RAMAKRISHNA,
AGE: 47 YEARS, OCC: BUSINEES, (NOW NIL)
R/O. 5TH CROSS, JAI MARUTHI NAGAR,
BENGALURU NORTH, NANDINI LAYOUT,
BENGALURU-560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P.G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD,
S.S. SUDAMBI BUILDING,
APMC ROAD, EASTERN EXTN.
RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

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1988, PRAYING TO CALL FOR RECORDS FROM THE HON'BLE 1 ADDL.
SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE
JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
NO.536/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
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102590, 102596, 100593, 100373, 100594,
102649 OF 2022

IN MFA NO.102589/2022:

BETWEEN:

SRI. SOMASHEKAR
S/O. T. RAMAKRISHNA,
OCC: BUSINESS, (NOW NILL),
R/O. 7TH CROSS, JAI MARUTHI NAGAR,
BENGALURU NORTH, NANDINI LAYOUT,
BENGALURU-560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O ABDULLA P. G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
ENKAY COMPLEX, KESHWAPUR,
HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
S.S SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN, RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
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102649 OF 2022

IN MFA NO.102594/2022:

BETWEEN:

KUM. M. S. HEMANTH S/O. SHASHIKANTH
OCC: STUDENT, SINCE MINOR REP BY
HIS MINOR GUARDIAN I.E. HIS FATHER
SRI. SHASHIKANT S/O. T. RAMAKRISHNA
R/O. 7TH CROSS, JAI MARUTHI NAGAR,
BENGALURU NORTH NANDINI LAYOUT
BENGALURU-560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O/ CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST- SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
S.S. SUDAMBI BUILDIGN APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

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SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE
JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
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102590, 102596, 100593, 100373, 100594,
102649 OF 2022

IN MFA NO.102591/2022:

BETWEEN:

SRI. C. P. NAGARAJ S/O. IRAPPA VERRANGOUDRA
AGE: 32 YEARS, OCC: AGRICULTURE AND COOLIE WORK,
R/O. MASANAGI VILLAGE, TQ. BYADAGI, DIST- HAVERI.
...APPELLANT
(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P.G,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST- SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD,
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.
...RESPONDENTS
(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1)OF MOTOR VEHICLES ACT 1988, PRAYING TO CALL FOR RECORDS FROM THE HON'BLE 1 ADDL. SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C. NO.539/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102592/2022:

BETWEEN:

SRI. SHIVANAGOUDA S/O. BASAPPA VEERANAGOUDA
AGE: 24 YEARS, OCC: AGRICULTURE AND COOLIE WORK,
R/O. MASANAGI VILLAGE, TQ: BYADAGI,



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DIST: HAVERI-581106.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. GM,
AGE: MAJOR, OCC: BUSINESS WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST: SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIAN INSURANCE COMPANY LTD,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

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SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE
JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
NO.540/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102586/2022:

BETWEEN:

SRI. RAGHAVENDRA S/O LESHAPPA JOGIHALLI
OCC.AGRICULTURE AND COOLIE WORK,
R/O.BURADIKATTI VILLAGE,
TQ.HIREKERUR, DIST.HAVERI-581111

...APPELLANT

(BY SRI. G S HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O ABDULLA P.G.



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AGE.MAJOR, OCC.BUSINESS,
R/O.CAR STREET, THERU BEEDI,
SHIKARIPURA,DIST.SHIVAMOGGA-577427

2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
ENKAY COMPLEX, KESHWAPUR,
HUBBALLI-580020
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD,
S.S.SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN, RANEBENNUR-581115.

...RESPONDENTS

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JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
NO.541/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102587/2022:

BETWEEN:

SRI. VASANTHAGOUDA S/O. VEERABHADRAPPA
VEERANAGAUDRA,
OCC. AGRICULTURE AND COOLIE WORK,
R/O. MASANAGI VILLAGE,
TQ. BYADAGI, DIST.HAVERI-581106

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAD ALI S/O. ABDULLA P. G,
AGE.MAJOR, OCC.BUSINESS,
R/O.CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST.SHIVAMOGGA-577427



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2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
ENKAY COMPLEX, KESHWAPUR,
HUBBALLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.

...RESPONDENTS

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IN MFA NO.102590/2022:

BETWEEN:

SRI. HARISH S/O. SHIVAPPA MARIGOUDRA
AGE. 26 YEARS, OCC. AGRICULTURE AND COOLIE WORK,
R/O. BURADIKATTI VILLAGE, TQ. HIREKERUR,
DIST. HAVERI 581111

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE. MAJOR, OCC. AGRICULTURE AND COOLIE WORK,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER



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102649 OF 2022**

UNITED INDIA INSURANCE COMPANY LTD.
S. S. SUDAMI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
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NO.543/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102596/2022:

BETWEEN:

SRI. MANOJ S/O. INDUDHAR KORISHETTAR
AGE. 23 YEARS, OCC. AGRICULTURE AND BUSINESS
WORK, R/O. BURADIKATTI VILLAGE,
TQ. HIREKERUR, DIST. HAVERI-581111.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE. MAJOR, OCC. BUSINESS,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.
S. S. SUDAMBI BUILDING, APMC ROAD,
EASTERN EXTN. RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
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IN MFA NO.100593/2022:

BETWEEN:

SMT. C. POORNIMA W/O SHASHIKANT,
AGE. 34 YEARS, OCC. TAILORING WORK AND
HOUSEHOLD WORK, R/O. 5TH CROSS,
JAI MARUTHI NAGAR, BENGALURU NORTH,
NANDINI LAYOUT, BENGALURU 560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI,
AGE. MAJOR OCC BUSINESS,
R/O. CAR STREET THERU BEEDI
SHIKARIPUR DIST. SHIVAMOGGA-577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.
ENKAY COMPLEX, KESHWAPUR, HUBLI-580020.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR- 581115.

...RESPONDENTS

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102649 OF 2022

NO.545/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.100373/2022:

BETWEEN:

SMT. SUJATA W/O T. PUTTARAJU
AGE. 42 YEARS, OCC. PRIVATE WORK AND
HOUSE HOLD WORK, R/O. 5TH CROSS,
JAI MARUTHI NAGAR, BENGALURU NORTH,
NANDINI LAYOUT, BENGALURU 560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G.
AGE. MAJOR, OCC. BUSINESS,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA 577427.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
ENKAY COMPLEX, KESHWAPUR,
HUBLI 580020.
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN., RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
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NO.546/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
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102649 OF 2022

IN MFA NO.100594/2022:

BETWEEN:

SMT. B. VEENA W/O. SOMASHEKHAR
AGE. 32 YEARS, OCC. PRIVATE WORK AND
HOUSEHOLD WORK, R/O. 5TH CROSS,
JAI MARUTHI NAGAR, BENGALURU NORTH,
NANDINI LAYOUT, BENGALURU 560096

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE. MAJOR, OCC. BUSINESS,
R/O. CAR STREET, THERU BEEDI,
SHIKARIPURA, DIST. SHIVAMOGGA-577427
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD
ENKAY COMPLEX KESHWAPUR,
HUBLI- 580020.
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
S. S. SUDAMBI BUILDING
APMC ROAD EASTERN EXTN.
RANEBENNUR 581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1)OF MOTOR VEHICLES ACT
1988, PRAYING TO CALL FOR RECORDS FROM THE HON'BLE ADDL.
SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE
JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
NO.547/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

IN MFA NO.102649/2022:



NC: 2024:KHC-D:9982
MFA NO. 100372 OF 2022
C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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BETWEEN:

SMT. SUSHILAMMA W/O. LATE RAMAKRISHNA
AGE. 62 YEARS, OCC. TAILORING WORK AND
HOUSEHOLD WORK, R/O. 7TH CROSS,
PARIJATHA ROAD, JAI MARUTHI NAGAR
BENGALURU NORTH, NANDINI LAYOUT,
BENGALURU 560096.

...APPELLANT

(BY SRI. G. S. HULMANI, ADVOCATE)

AND:

1. SRI. MOHAMMAED ALI S/O. ABDULLA P. G,
AGE. MAJOR OCC. BUSINESS,
R/O. CAR STREET THERU BEEDI
SHIKARIPURA DIST. SHIVAMOGGA 577427.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.
ENKAY COMPLEX, KESHWAPUR,
HUBLI-580020.
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD.
S. S. SUDAMBI BUILDING APMC ROAD,
EASTERN EXTN. RANEBENNUR-581115.

...RESPONDENTS

(BY SRI. N. R. KUPPELUR, ADV. FOR R2 & R3;
NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1)OF MOTOR VEHICLES ACT
1988, PRAYING TO CALL FOR RECORDS FROM THE HON'BLE 1 ADDL.
SENIOR CIVIL JUDGE AND AMACT, RANEBENNUR AND MODIFY THE
JUDGMENT AND AWARD PASSED BY THE HON'BLE COURT IN M.V.C.
NO.548/2018 DTD 28TH NOVEMBER 2019 AND ENHANCE THE
COMPENSATION AS PRAYED FOR AND ETC.

THESE APPEALS COMING ON FOR ORDERS, THIS DAY, THE
COURT DELIVERED THE FOLLOWING:



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COMMON JUDGMENT

1. These appeals are filed by the claimants for enhancement of compensation aggrieved by the judgment and award dated 28.11.2019 passed in M.V.C. Nos.534 to 548 of 2018 on the file of the Motor Vehicle Accident Claims Tribunal, Ranebennur ("*Tribunal*" for short), whereby the Tribunal awarded compensation to the claimants in the following manner:

Sl. Nos.	MVC Nos.	Claimants	Amount
1	534 of 2018	Thippesharaddy	Rs.1,57,500/-
2	535 of 2018	C.P.Raghavendra	Rs.1,28,960/-
3	536 of 2018	Shashikant	Rs.1,46,600/-
4	537 of 2018	Somashekar	Rs.1,38,200/-
5	538 of 2018	M.S.Hemanth	Rs.1,28,500/-
6	539 of 2018	C.P.Nagaraj	Rs.1,38,020/-
7	540 of 2018	Shivanagouda	Rs.1,82,700/-
8	541 of 2018	Raghavendra	Rs.1,82,700/-
9	542 of 2018	Vasanthagouda	Rs.1,45,740/-
10	543 of 2018	Harish	Rs.1,81,700/-
11	544 of 2018	Manoj	Rs.1,81,700/-
12	545 of 2018	C.Poornima	Rs.1,23,580/-
13	546 of 2018	Sujata	Rs.1,17,200/-
14	547 of 2018	B.Veena	Rs.1,71,800/-
15	548 of 2018	Sushilamma	Rs.70,160/-



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2. For the sake of convenience, the parties are referred to as they are referred to in the claim petitions before the Tribunal.

3. All the claim petitions were filed seeking compensation on account of injuries suffered by the claimants in a road traffic accident that took place on 23.12.2017 at 03:00 p.m., when the claimants were going from Sagar to Jog for attending their work in bus bearing registration No.KA-17/A-6971 and when the bus reached near Induvani Cross of Jog-Sagar road, the driver of the bus drove the same in a high speed, rash and negligent manner, lost control over the bus and toppled on the road. Due to which the claimants sustained severe injuries and were shifted to Government Hospital, Harihar and thereafter to City Central Hospital, Davanagere for treatment.

4. The Tribunal considering the evidence on record at Exs.P1 to P113 and oral evidence of P.Ws.1 to 16, R.W.1 and Ex.R1 – copy of policy, granted compensation in favour of the claimants.



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5. Learned counsel for the claimants submits that the Tribunal has failed to consider the injuries sustained by the claimants and the amount they spent towards their treatment. All the claimants were sustained grievous injuries, but the Tribunal has failed to grant fair and reasonable compensation under all heads. Further, the Tribunal has not considered the disability and the liability considered by the Tribunal is also on lower side. Hence, he prayed to allow the appeals.

6. Learned counsel for the respondent – Insurance Company submits that the Tribunal considering the medical evidence as well as oral evidence has granted reasonable compensation and no grounds are made out seeking for enhancement of compensation. Hence, he prayed to dismiss the appeals.

7. As there is no dispute regarding the injuries sustained by the claimants in the road traffic accident that occurred on 23.12.2017, due to the rash and negligent driving by the driver of the car bearing registration No.KA-17/A-6971 by its driver and liability of the insurer of the above vehicle, the



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only point that arises for Court's consideration in the appeals are:

"Whether the quantum of compensation awarded by the Tribunal is just and proper or does it call for interference for enhancement?"

8. After hearing the learned counsel for the parties and perusing the judgment and award of the Tribunal, the Court is of the view that the compensation awarded by the Tribunal in favour of the claimants is not just and reasonable, it is on lower side and hence, it requires to be enhanced.

9. In M.F.A. No.100372/2022 (M.V.C. No.534/2018), as per Ex.P6, the claimant sustained fracture of L4 and 5 vertebra, spine and shoulder and of pubic ramus also other grievous injuries. As per the opinion of the Doctor, injury Nos.1 and 2 are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.W.1 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a



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compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/- awarded by Tribunal, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,26,000/- considering the income of claimant at Rs.7,000/-. The Doctor has issued disability at 40%, but the Tribunal has considered it as only 10% and if 13% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,39,850/-** (Rs.10,250/- X 12 X 15 X 13%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.4,500/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is



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granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Accordingly, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:

Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,39,850/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,40,600/-
Less: compensation awarded by Tribunal	Rs.1,57,500/-
Enhanced compensation	Rs.1,83,100/-

10. In M.F.A. No.102593/2022 (M.V.C. No.535/2018), as per Ex.P14 - wound certificate, the claimant sustained fracture of mallelous bone of right radius bone and also other grievous injuries all over the body. As per the opinion of the Doctor, injuries sustained by the claimant are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as



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P.Ws.2 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injuries, granted a sum of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is awarded. Therefore, claimant is entitled for **Rs.30,000/-** towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/- awarded by the Tribunal, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.99,960/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 35%, but the Tribunal has considered it as only 7% and if 12% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,50,920/-** (Rs.10,250/- X 12 X 17 X 12%) is awarded under the head **loss of future income**. The



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Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards diet, food, nourishment and attendant, conveyance charges. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation is as under:

Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,50,920/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,51,670/-
Less: compensation awarded by Tribunal	Rs.1,28,960/-
Enhanced compensation	Rs.2,22,710/-

11. In M.F.A. No.102595/2022 (M.V.C. No.536/2018), as per Ex.P19 - wound certificate, the claimant sustained fracture of right radius, right tibia and right femur. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral



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evidence and Doctor, who were examined as P.Ws.3 and 16. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/- awarded by the Tribunal, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,17,600/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,58,300/-** (Rs.10,250/- X 12 X 14 X 15%) is awarded under the head **loss of future**



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income. The Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges.** The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities.** Thus, the claimant is entitled for the enhanced compensation as under:

Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,58,300/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,59,050/-
Less: compensation awarded by Tribunal	Rs.1,46,600/-
Enhanced compensation	Rs.2,12,450/-

12. In M.F.A. No.102589/2022 (M.V.C. No.537/2018), as per Ex.P25 - wound certificate, the claimant sustained fracture of L2 vertebra of ulna of tibia condylar. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and



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the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.4 and 16. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,09,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,39,850/-** (Rs.10,250/- X 12 X 13 X



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15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:

Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,39,850/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,40,600/-
Less: compensation awarded by Tribunal	Rs.1,38,200/-
Enhanced compensation	Rs.2,02,400/-

13. In M.F.A. No.102594/2022 (M.V.C. No.538/2018), as per Ex.P31 – wound certificate, the minor claimant sustained fracture of right humerous and right mallelous. However, considering the nature of injuries sustained by the minor



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claimant and the compensation awarded by the Tribunal, this Court is of the considered view that if another sum of Rs.30,000/- is awarded globally, the same would meet the ends of justice. Accordingly, the minor claimant is entitled to additional compensation of Rs.30,000/- globally.

14. In M.F.A. No.102591/2022 (M.V.C. No.539/2018), as per Ex.P36 – wound certificate, the claimant sustained fracture of right humerus of right tibia and fibula. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.6 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been



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under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,07,520/- considering the income of claimant at Rs.7,000/-. The Doctor has issued disability at 40%, but the Tribunal has considered it as 8% and if 13% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,55,840/-** (Rs.10,250/- X 12 X 16 X 13%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.3,500/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,55,840/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,56,590/-
Less: compensation awarded by Tribunal	Rs.1,38,020/-
Enhanced compensation	Rs.2,18,570/-

15. In M.F.A. No.102592/2022 (M.V.C. No.540/2018), as per Ex.P41 – wound certificate, the claimant sustained fracture of L4 and L5 vertebra of right femur, right radius injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and the Doctor. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under



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treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,51,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.3,32,100/-** (Rs.10,250/- X 12 X 18 X 15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.4,500/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.3,32,100/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.4,32,850/-
Less: compensation awarded by Tribunal	Rs.1,82,700/-
Enhanced compensation	Rs.2,50,150/-

16. In M.F.A. No.102586/2022 (M.V.C. No.541/2018), as per Ex.P47 – wound certificate, the claimant sustained fracture of right femur, left forearm and left humerus injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.8 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant



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must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,51,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.3,32,100/-** (Rs.10,250/- X 12 X 18 X 15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.4,500/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards diet, food, nourishment and attendant, conveyance charges. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.3,32,100/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.4,32,850/-
Less: compensation awarded by Tribunal	Rs.1,82,700/-
Enhanced compensation	Rs.2,50,150/-

17. In M.F.A. No.102587/2022 (M.V.C. No.542/2018), as per Ex.P53 – wound certificate, the claimant sustained fracture of left femur and left humerus injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.9 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been



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MFA NO. 100372 OF 2022

**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
102649 OF 2022**

under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,14,240/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 40%, but the Tribunal has considered it as 8% and if 13% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,71,830/-** (Rs.10,250/- X 12 X 17 X 13%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.4,500/- towards diet, food, nourishment and conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,71,830/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,72,580/-
Less: compensation awarded by Tribunal	Rs.1,45,740/-
Enhanced compensation	Rs.2,26,840/-

18. In M.F.A. No.102590/2022 (M.V.C. No.543/2018), as per Ex.P58 – wound certificate, the claimant sustained fracture of L3 vertebra, right tibia, pubic rami injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.10 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been



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**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,51,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.3,32,100/-** (Rs.10,250/- X 12 X 18 X 15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.3,500/- towards diet, food, nourishment and conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.3,32,100/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.4,32,850/-
Less: compensation awarded by Tribunal	Rs.1,81,700/-
Enhanced compensation	Rs.2,51,150/-

19. In M.F.A. No.102596/2022 (M.V.C. No.544/2018), as per Ex.P64 – wound certificate, the claimant sustained fracture of right tibia, right radius and L4 vertebra injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.11 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been



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**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,51,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.3,32,100/-** (Rs.10,250/- X 12 X 18 X 15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.3,500/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.3,32,100/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.4,32,850/-
Less: compensation awarded by Tribunal	Rs.1,81,700/-
Enhanced compensation	Rs.2,50,150/-

20. In M.F.A. No.100593/2022 (M.V.C. No.545/2018), as per Ex.P70 – wound certificate, the claimant sustained fracture of L4 vertebra, right humerous, 3rd and 4 ribs injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and the Doctor. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under



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**C/W MFA NOS.102593, 102595, 102589,
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treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.94,080/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 40%, but the Tribunal has considered it as 7% and if 13% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,55,840/-** (Rs.10,250/- X 12 X 16 X 13%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.2,500/- towards diet, food, nourishment and conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,55,840/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,56,590/-
Less: compensation awarded by Tribunal	Rs.1,23,580/-
Enhanced compensation	Rs.2,33,010/-

21. In M.F.A. No.100373/2022 (M.V.C. No.546/2018), as per Ex.P76 – wound certificate, the claimant sustained L2 vertebra and pelvis bone injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.13 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been



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under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.88,200/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 35%, but the Tribunal has considered it as 7% and if 12% is taken, the same would be reasonable. Accordingly, a sum of **Rs.2,21,400/-** (Rs.10,250/- X 12 X 15 X 12%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the compensation as under:



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102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.2,21,400/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.3,22,150/-
Less: compensation awarded by Tribunal	Rs.1,17,200/-
Enhanced compensation	Rs.2,04,950/-

22. In M.F.A. No.100594/2022 (M.V.C. No.547/2018), as per Ex.P81 – wound certificate, the claimant sustained fracture of right tibia, left lateral malleolus and colles right injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and Doctor, who were examined as P.Ws.14 and 16 respectively. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant



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must have been under treatment for a period of three months and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.1,42,800/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 45%, but the Tribunal has considered it as 10% and if 15% is taken, the same would be reasonable. Accordingly, a sum of **Rs.3,13,650/-** (Rs.10,250/- X 12 X 17 X 15%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.3,13,650/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.4,14,400/-
Less: compensation awarded by Tribunal	Rs.1,17,800/-
Enhanced compensation	Rs.2,96,600/-

23. In M.F.A. No.102649/2022 (M.V.C. No.548/2018), as per Ex.P87 – wound certificate, the claimant sustained fracture of right tibia and right ulna injuries. As per the opinion of the Doctor, injuries are grievous in nature. The claimant was treated in the hospital. The injuries sustained and the treatment taken by the claimant is also supported by oral evidence and the Doctor. In this case, the Tribunal has observed that the claimant sustained two injuries. The Tribunal considering the nature of injury, granted a compensation of Rs.20,000/- which is not reasonable one. Hence, additional sum of Rs.10,000/- is granted. Therefore, claimant is entitled for **Rs.30,000/-**, towards **pain and suffering**. For the loss of income during laid up period, the Tribunal has awarded a sum of Rs.7,000/-. The nature of injuries suggests that the claimant must have been under treatment for a period of three months



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and therefore, a sum of **Rs.30,750/-** (Rs.10,250/- X 3) is awarded towards **loss of income during laid up period**, as against Rs.7,000/-, in view of the circular issued by the Karnataka State Legal Services Authority, Bengaluru. Towards loss of future income, the Tribunal awarded a sum of Rs.41,160/- considering the income of claimant at Rs.7,000/- per month. The Doctor has issued disability at 35%, but the Tribunal has considered it as 7% and if 12% is taken, the same would be reasonable. Accordingly, a sum of **Rs.1,03,320/-** (Rs.10,250/- X 12 X 7 X 12%) is awarded under the head **loss of future income**. The Tribunal awarded a sum of Rs.2,000/- towards diet, food, nourishment and attendant, conveyance charges which is not reasonable one. Hence, a sum of **Rs.10,000/-** is granted towards **diet, food, nourishment and attendant, conveyance charges**. The Tribunal has not awarded any compensation under the head loss of amenities. Hence, a sum of **Rs.30,000/-** is awarded towards **loss of amenities**. Thus, the claimant is entitled for the enhanced compensation as under:



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**C/W MFA NOS.102593, 102595, 102589,
102594, 102591, 102592, 102586, 102587,
102590, 102596, 100593, 100373, 100594,
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Pain and sufferings	Rs.30,000/-
Loss of income during laid up period	Rs.30,750/-
Loss of future income	Rs.1,03,320/-
Diet, Food, nourishment and attendant, conveyance charges	Rs.10,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.2,04,070/-
Less: compensation awarded by Tribunal	Rs.70,160/-
Enhanced compensation	Rs.1,33,910/-

24. Accordingly, I pass the following:

ORDER

- (i) Appeals are partly allowed.
- (ii) The common judgment and award dated 28.11.2019 passed by the Motor Vehicle Accident Claims Tribunal, Ranebennur in M.V.C. Nos.534 to 548/2015 is modified to the extent stated above.
- (iii) The claimant in M.F.A. No.100372/2022 (M.V.C. No.534/2018) is entitled to an enhanced compensation of Rs.1,83,100/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (iv) The claimant in M.F.A. No.102593/2022 (M.V.C. No.535/2018) is entitled to an enhanced compensation of Rs.2,22,710/-.



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However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.

- (v) The claimant in M.F.A. No.102595/2022 (M.V.C. No.536/2018) is entitled to an enhanced compensation of Rs.2,12,450/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (vi) The claimant in M.F.A. No.102589/2022 (M.V.C. No.537/2018) is entitled to an enhanced compensation of Rs.2,02,400/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (vii) The minor claimant in M.F.A. No.102594/2022 (M.V.C. No.538/2018) is entitled to a global sum of Rs.30,000/-. However, the minor claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (viii) The claimant in M.F.A. No.102591/2022 (M.V.C. No.539/2018) is entitled to an enhanced compensation of Rs.2,18,570/-. However, the claimant is not entitled for



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interest for the delayed period of 11 days in filing the appeal.

- (ix) The claimant in M.F.A. No.102592/2022 (M.V.C. No.540/2018) is entitled to an enhanced compensation of Rs.2,50,150/-. However, the claimant is not entitled for interest for the delayed period of 11 days in filing the appeal.
- (x) The claimant in M.F.A. No.102586/2022 (M.V.C. No.541/2018) is entitled to an enhanced compensation of Rs.2,50,150/-. However, the claimant is not entitled for interest for the delayed period of 14 days in filing the appeal.
- (xi) The claimant in M.F.A. No.102587/2022 (M.V.C. No.542/2018) is entitled to an enhanced compensation of Rs.2,26,840/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (xii) The claimant in M.F.A. No.102590/2022 (M.V.C. No.543/2018) is entitled to an enhanced compensation of Rs.2,50,150/-. However, the claimant is not entitled for



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102590, 102596, 100593, 100373, 100594,
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interest for the delayed period of 12 days in filing the appeal.

- (xiii) The claimant in M.F.A. No.102596/2022 (M.V.C. No.544/2018) is entitled to an enhanced compensation of Rs.2,50,150/-. However, the claimant is not entitled for interest for the delayed period of 11 days in filing the appeal.
- (xiv) The claimant in M.F.A. No.100593/2022 (M.V.C. No.545/2018) is entitled to an enhanced compensation of Rs.2,33,010/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (xv) The claimant in M.F.A. No.100373/2022 (M.V.C. No.546/2018) is entitled to an enhanced compensation of Rs.2,04,950/-. However, the claimant is not entitled for interest for the delayed period of 11 days in filing the appeal.
- (xvi) The claimant in M.F.A. No.100594/2022 (M.V.C. No.547/2018) is entitled to an enhanced compensation of Rs.2,96,600/-. However, the claimant is not entitled for



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interest for the delayed period of 16 days in filing the appeal.

- (xvii) The claimant in M.F.A. No.102649/2022 (M.V.C. No.548/2018) is entitled to an enhanced compensation of Rs.1,33,910/-. However, the claimant is not entitled for interest for the delayed period of 16 days in filing the appeal.
- (xviii) The respondent – Insurance Company is directed to deposit the compensation amount with interest at the rate of 6% per annum from the date of petition till the date of realization within a period of four weeks from the date of receipt of copy of this judgment.
- (xix) Draw the modified award accordingly.
- (xx) Registry is directed to transmit a copy of this judgment to the concerned Tribunal forthwith.
- (xxi) No order as to costs.

Sd/-
JUDGE

RSH / CT- AN
LIST NO.: 1 SL NO.: 0