



NC: 2026:KHC-D:4401
MFA No. 100087 of 2023

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

MISCELLANEOUS FIRST APPEAL NO.100087 OF 2023 (MV-I)

BETWEEN:

SHRI. GANAPAT S/O. KRISHNA KAMBLE,
AGE. 53 YEARS, OCC. AGRICULTURE (NOW NIL),
R/O. CHANDAGAD, NOW STAYING AT BACHI,
TQ., DIST. BELAGAVI.

...APPELLANT

(BY SMT. PRIYANKA K., ADVOCATE FOR
SRI. MADANMOHAN M.KHANNUR, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
KOLHAPUR DIVISION, MSRTC,
NEAR CENTRAL BUS STAND, KOLHAPUR,
MAHARASHTRA STATE, PIN-416001.

...RESPONDENT

(BY SRI. C.V. ANGADI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO A) ENHANCE THE COMPENSATION BY MODIFYING THE JUDGMENT AND AWARD DATED 22.09.2022 PASSED IN MVC NO.1584/2020 ON THE FILE OF THE VIII ADDITIONAL DISTRICT JUDGE AND IX ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI, AND AWARD THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

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THIS MISCELLANEOUS FIRST APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. This appeal is filed by the petitioner challenging the judgment and award dated 22.09.2022 passed in M.V.C. No.1584/2020 by the learned VIII Additional District and IX Additional M.A.C.T., Belagavi.

2. Brief facts, leading rise to the filing of this appeal are as follows:

On 11.03.2018, the petitioner met with an accident, which was caused due to the rash and negligent driving of the driver of an MSRTC bus bearing registration No.HM-14/BT-4868. As a result, the petitioner sustained grievous injuries and incurred substantial medical expenses. The petitioner filed a claim petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the injuries sustained in the said road traffic accident. Accordingly, prays to allow the claim petition.



3. The respondent filed a statement of objections denying the averments made in the claim petition, including the age, avocation, and income of the petitioner, and accordingly, prays for dismissal of the claim petition.

4. Based on the pleadings of the parties, the Tribunal framed the relevant issues.

5. To substantiate his case, the petitioner examined himself as PW1, examined the doctor as PW2, and marked 11 documents as Exs.P1 to P11. The respondent did not lead neither oral nor documentary evidence.

6. The Tribunal, after appreciating the oral and documentary evidence on record, allowed the claim petition in part vide judgment dated 22.09.2022 and awarded a compensation of Rs.2,57,259/- (rounded off to Rs.2,57,300/-) with interest at 6% per annum from the date of the petition till realization, and directed the respondent to deposit the said amount.



7. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the petitioner has filed this appeal seeking an enhancement.

8. Heard the arguments of the learned counsel for the petitioner, and the learned counsel for the respondent.

9. The learned counsel for the petitioner submitted that the petitioner sustained grievous injuries, and suffered a permanent disability to the extent of 25%. She further submitted that the doctor examined as PW2 who has issued a disability certificate assessing the disability at 25%, whereas the Tribunal has assessed the disability at only 8%, which is on the lower side. She submitted that the overall compensation awarded by the tribunal is inadequate, and accordingly, prayed for allowing the appeal.

10. *Per contra*, the learned counsel for the respondent submitted that the compensation awarded by the Tribunal is just and proper and does not call for any interference by this Court. Hence, he prayed for the dismissal of the appeal.



11. Perused the records, and considered the submissions made by the learned counsel for both parties.

12. The point that would arise for consideration is regarding the quantum of compensation.

13. It is an undisputed fact that the petitioner met with an accident, sustained grievous injuries, and that the accident occurred due to the rash and negligent driving of the driver of the MSRTC bus bearing registration No.HM-14/BT-4868. The petitioner has produced a charge sheet marked as Ex.P4, which clearly discloses that the accident occurred due to the negligence of the bus driver.

Regarding quantum of compensation

14. The learned counsel for the petitioner contended that the petitioner was aged about 53 years at the time of the accident and was engaged in agricultural work, earning Rs.15,000/- per month. However, no documentary proof of income has been produced. In the absence of proof of income, the notional income has to be assessed as per the



schedule issued by the Karnataka State Legal Services Authority. Since the accident occurred in 2018, the Tribunal has assessed the notional income at Rs.11,750/-, which is just and proper.

15. The petitioner examined the doctor as PW2, who clinically and radiologically examined the petitioner, and issued the disability certificate marked as Ex.P8. He deposed that the petitioner has suffered disability to the extent of 25%. However, the Tribunal has taken the disability at 8%, which is on the lower side.

16. This Court, considering the evidence of PW2 and the medical records, reassesses the disability at 12%.

17. The petitioner was aged about 57 years as on the date of the accident, and the appropriate multiplier applicable to his age group is '9' as per the law laid down in the case of ***Sarla Verma v. Delhi Transport Corporation***¹.

¹ 2009 ACJ 1298



18. Accordingly, the compensation is reassessed under the following heads:

Particulars	Compensation amount in (Rs.)
Pain and sufferings	65,000/-
Loss of dependency (Rs.11,750 x 12 x 9x 12%)	1,52,280/-
Medical Expenses	24,212
Towards Attendant charges	15,000/-
Towards Conveyance	10,000/-
Loss of income during laid-up period	58,750/-
Loss of amenities	25,000/-
Total	3,50,242/-
Compensation awarded by the Tribunal	2,57,259/-
Enhanced compensation	92,983/-

19. Thus, the petitioner is entitled to a total compensation of **Rs.3,50,242/-** as against Rs.2,57,259/- awarded by the Tribunal. Therefore, the petitioner is entitled to an enhanced compensation of **Rs.92,983/-**. For the forgoing, the point is answered accordingly.



20. In view of the above discussion, I proceed to pass the following order.

ORDER

- (i) This Miscellaneous First Appeal is ***allowed in part.***
- (ii) The impugned judgment and award passed by the Tribunal in MVC No.1584/2020 is hereby modified.
- (iii) The appellant/petitioner is entitled to an enhanced compensation of **Rs.92,983/-**, in addition to the compensation awarded by the Tribunal, with interest at the rate of 6% percent per annum from the date of the petition till its realisation.
- (iv) The respondent is directed to deposit the said amount within a period of 8 weeks from the date of receipt of copy of this order.
- (v) Trial Court records be transmitted to the Tribunal forthwith.



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(vi) Draw decree accordingly.

Sd/-
(ASHOK S. KINAGI)
JUDGE

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List No.: 1 Sl No.: 17