

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 27TH DAY OF FEBRUARY, 2026**

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MFA NO. 100303 OF 2024 (MV-I)

BETWEEN:

SRI VISHWAS S/O RANGARAO PATIL,
AGE: 42 YEARS, OCC. HAMALI (NOW NIL),
R/O. A/P: SHIVARE, TAL. SHAHUWADI,
DIST. KOLHAPUR, NOW RESIDING AT: SULAGA,
TQ. AND DIST. BELAGAVI.

... APPELLANT

(BY SRI UMESH C. AINAPUR, ADVOCATE)

AND:

1. SRI SWAPNIL S/O SRI DEVIDAS MORE,
AGE: MAJOR, OCC. SERVICE,
R/O. BOMBAY BAKERY 17,
MOHAMMAD HUSEN CHAWL,
GAVDEVI ROAD, BHANDUP (WEST),
MUMBAI-400 078.
(RIDER CUM OWNER OF MOTORCYCLE
NO.MH-03/CZ-0718)
2. THE MANAGER LEGAL
TATA AIG GENERAL INSURANCE CO. LTD.,
1ST FLOOR, SHREE KRISHNA TOWER,
TILAKWADI, RPD CROSS, BELAGAVI-590 006.

(POLICY NO.017034383300
VALID FROM 14-06-2018 TO 13-06-2019
INSURER OF MOTOR CYCLE NO.MH-03 CZ-0718)

... RESPONDENTS

(BY SRI SUBHASH J. BADDI, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED)



THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO ALLOW THE APPEAL AND MODIFY THE JUDGMENT AND AWARD DATED 29.04.2023 PASSED IN M.V.C. NO.1372/2019 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI, AND CONSEQUENTLY TO ENHANCE THE COMPENSATION IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS APPEAL IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 09.02.2026, THIS DAY, **B. MURALIDHARA PAI J.**, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

1. This is the Claimant's appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), seeking enhancement of the compensation awarded vide judgment and award dated 29.4.2023 in MVC No.1372/2019 on the file of the learned VI Additional District and Sessions Judge and Additional MACT, Belagavi (hereinafter referred to as 'the Tribunal'), on the ground that the Tribunal has failed to award just and reasonable compensation as mandated under Section 168 of the Act, rendering the quantum awarded on the lower side.

2. The Claimant filed a petition in MVC No.1372/2019 under Section 166 of the Act, on the file of the learned Tribunal against Respondents No.1 and 2, claiming compensation of Rs.50,00,000/- for the injuries sustained by him in a road traffic accident that occurred on 14.05.2019 at about 11:15 a.m., in front of Sharada Saw Mill, Devrukh, Ratnagiri District, Maharashtra. Respondent No.2 contested the petition. The Tribunal, vide its judgment and award dated 29.04.2023, allowed the petition in part, awarding compensation of Rs.4,60,500/- to the claimant together with interest at 8% per annum from the date of petition till realization.

3. The Tribunal has awarded quantified the compensation, under the following heads:

Sl. No.	Heads	Compensation in Rupees
1	Pain and sufferings	40,000
2	Food, Diet, Nourishment, Conveyance, Attendant Charges and etc.	30,000
3	Loss of earning during laid up period	30,000
4	Medical Expenses	12,000
5	Future medical expenses	10,000
6	Loss of future earnings (13,250/- x 12 x 10/100 x 15)	2,38,500
7	For Permanent Physical Impairment	1,00,000
	Total	4,60,500

4. Respondent No.1 is the rider cum owner of the offending vehicle i.e., motor-cycle bearing No.MH-03-CZ-0718. Respondent No.2 is the insurer of the vehicle. They have not challenged the impugned judgment and award.

5. Sri Umesh C. Ainapur, learned Counsel for Claimant vehemently contended that the grievous injuries sustained in the accident have resulted in 100% permanent disablement, completely obliterating the Claimant's earning capacity, a critical factor wholly overlooked by the Tribunal in quantifying compensation under Section 168 of the Motor Vehicles Act, 1988. He further submitted that the Claimant has incurred Rs.2,00,000/- towards follow-up treatment, yet the Tribunal failed to award adequate sums under future medical expenses, pain and suffering, and loss of income during the laid-up period. Hence, he prayed for substantial enhancement of the compensation awarded by the Tribunal, which is on meager side.

6. *Per Contra*, Sri Subhash J. Baddi, learned Counsel for Respondent No.2/Insurer, submitted that the Tribunal has awarded reasonably adequate compensation of Rs.4,60,500/- with 8% interest, duly considering the medical evidence and disability assessment, and that the Claimant has failed to

demonstrate any perversity or misapplication of law warranting enhancement under Section 173 of the Motor Vehicles Act, 1988.

7. On hearing the learned counsels for both sides and perusing the record, the only question that would arise for consideration of this Court is whether the tribunal has erred in assessing the Claimant's permanent disability and to award him just compensation?

8. The Claimant's primary contention remains that the accidental injuries caused 100% physical permanent disability, forcing abandonment of hamali (coolie) work and total loss of earning capacity. Undisputedly, injuries were confined to right tibia-fibula fracture. Dr. Satish (PW-2) noted functional limitations such as inability to run, turn swiftly, stand/walk long distances, squat, sit cross-legged, navigate slopes, climb, lift weights, or perform laborious tasks, etc., and certified 35% permanent physical disability to the right lower limb. Notably, PW-2 admitted in cross-examination that the claimant has suffered no injuries to knee/ankle/pelvic regions. He also stated that he cannot quantify functional disability suffered by the claimant on account of injuries sustained in the accident. It is

well settled that limb-specific physical impairment (35%) cannot be equated to whole-body functional loss, affecting earning capacity.

9. The Tribunal judiciously considered these aspects, the settled 1/3rd conversion rule for lower limb-to-whole body impairment, PW-2's arguably higher assessment, and adopted a 10% whole-body permanent physical impairment/functional disability to arrive at loss of future income. This Court finds no perversity or error in the Tribunal's methodology, duly aligned with well settled legal principles and medical evidence on record.

10. The Claimant, who was aged 37 years on accident date, claimed Rs.1,000/- per day as his earnings through his avocation as hamali. The Tribunal rightly adopted multiplier '15' by applying guidelines in ***Sarla Verma and Others Vs Delhi Transport Corporation and Another***, reported in **(2009) 6 SCC 121**. The Tribunal relied on HCLSC Lok Adalat Chart to arrive at notional income of the Claimant i.e, Rs.13,250/- per month for unskilled labour, in the absence of any proof regarding his actual income at the relevant point of time. Accordingly, the Tribunal arrived at the figure of Rs.2,38,500/-

(i.e., Rs.13,250 X 12 X 15 X 10%) to award compensation under the head of loss of future income.

11. The Tribunal has awarded Rs.40,000/-towards pain and sufferings, Rs.30,000/- for food, diet, nourishment and incidental expenses and medical expenses of Rs.12,000/-. The quantum of compensation awarded by the Tribunal under these heads is reasonable and no perversity demonstrated. A sum of Rs.1,00,000/- awarded under the head of Permanent Physical Impairment is arguably duplicative but alternates loss of amenities. The discretion exercised by the Tribunal in this regard is upheld in the absence of any challenge by the respondents.

12. The Claimant has not corroborated his claim of Rs.2,00,000/- towards further/future medical expenses with relevant supporting documents. The non-comminuted, simple fracture of tibia and fibula, the recovery after initial treatment as an in-patient for 17 days and absence of any further complications as a result of such injury, belies the above claim. For foregoing reasons, the award passed by the Tribunal is maintained by answering the point for consideration in the negative.

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

ORDER

- i) The appeal is dismissed.
- ii) Consequently, the judgment and award dated 29.04.2023, passed in MVC No.1372/2019 on the file of learned VI Additional District and Sessions Judge and Additional MACT, Belagavi is confirmed.
- iii) Draw an award accordingly.
- iv) The office is directed to transmit the record to the concerned Tribunal, forthwith.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**