



NC: 2026:KHC-D:10420-DB
MFA No. 100806 of 2026

CNR: KAHC020045132026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 23RD DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

MISCELLANEOUS FIRST APPEAL NO. 100806 OF 2026

(MV-I)

BETWEEN:

SHRI MALLAPPA PARAGONDA BASARAGI
AGED 46 YEARS, OCC. AGRICULTURE,
R/O. SINDUR, TQ. JATH, DIST. SANGALI.

...APPELLANT

(BY SRI. SHRIKANT K. DESHPANDE, ADVOCATE)

AND:

1. SRI. SHIVANAND GURUSHANTAYA NANDIKOL
AGED 47 YEARS, OCC. BUSINESS,
R/O. UMARANI, TQ. JATH, DIST. SANGLI.

2. THE SENIOR DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
MARUTHI GALLI, BELAGAVI.

...RESPONDENTS

(BY SMT. PREETHI SHASHANK, ADVOCATE FOR R2;
NOTICE TO R1 SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO ENHANCE THE COMPENSATION AMOUNT BY MODIFYING THE JUDGMENT AWARD DATED 07.06.2024, PASSED BY THE COURT OF IX ADDL. DISTRICT AND SESSIONS JUDGE AND MEMBER ADDL. MACT, BELAGAVI IN MVC NO. 1719/2021, BY ALLOWING IN THE INTEREST ENDS OF JUSTICE.



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

CORAM: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

1. The claimant, being dissatisfied with the judgment and award dated 07.06.2024 passed in MVC No.1719/2021 on the file of the IX Additional District and Sessions Judge and Member, Additional MACT, Belagavi (for short, 'the Tribunal'), has preferred this appeal under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the MV Act'), seeking enhancement of the compensation awarded by the Tribunal.

2. For the sake of convenience, the parties are referred to according to their rank before the Tribunal.

3. Briefly stated, the facts leading to the filing of the appeal are that, on 16.12.2020, at about 5:30 p.m., the claimant, along with his sister's son, namely



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Hanamanth, was proceeding towards Jath-Umarani road on a motorcycle bearing Registration No. MH-10-AL-2378. While they were travelling on the Jath-Umarani Road, near Khojanwadi Village, the driver of the Tata Magic vehicle bearing Registration No. MH-10-BM-1681 drove the vehicle in a rash and negligent manner and suddenly turned it to the left without giving any signal or indication. As a result, the Tata Magic vehicle dashed against the petitioner's motorcycle. Due to the impact, the petitioner and his nephew fell to the ground and sustained injuries.

4. Thereafter, the appellant filed MVC No.1719/2021 before the IX Additional District and Sessions Judge and Member, Additional MACT, Belagavi, seeking compensation. The Tribunal partly allowed the claim petition and awarded compensation of Rs.4,96,106/- with interest at 6% per annum from the date of the petition till realization. Aggrieved by the quantum of compensation awarded, the claimant has preferred the present appeal.



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5. Learned counsel appearing for the claimant contended that, at the time of the accident, the claimant was aged about 40 years, was working as an agriculturist, and was earning ₹2,00,000/- per annum. The Tribunal has assessed the notional income of the claimant at ₹13,750/-, which is on the lower side.

6. Secondly, he contended that, due to the accident, the claimant suffered grievous injuries. He was an inpatient for a period of 26 days. He examined the doctor as PW-2. In his evidence, PW-2 deposed that the claimant had suffered disability to the extent of 60%. However, the Tribunal assessed the whole-body disability at only 13%, which is on the lower side.

7. Lastly, he contended that, due to the accidental injuries, the claimant suffered three fractures and was an inpatient for a period of 26 days. As he suffered considerable pain during the treatment, he has to suffer the disability and the resulting unhappiness throughout his life. The compensation awarded by the Tribunal towards



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pain and suffering, loss of income during the laid-up period, and other incidental expenses is on the lower side. The Tribunal has also failed to award any compensation towards loss of amenities. Hence, he sought enhancement of the compensation.

8. *Per contra*, the learned counsel appearing for the Insurance Company contended that, although the claimant claimed that he was earning ₹2,00,000/- per annum, except for producing certain revenue records, he has not produced any document to establish the said income. Under those circumstances, the Tribunal has rightly assessed the notional income of the claimant.

9. She further contended that the claimant examined the doctor as PW-2, who was not the treating doctor. Considering the medical records, disability certificate, and discharge summary, the Tribunal has rightly assessed the whole-body disability at 13%.

10. Lastly, she contended that, considering the injuries suffered by the claimant, the medical records, and



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the disability certificate, the compensation awarded by the Tribunal towards pain and suffering and under the other heads is just and reasonable. Hence, she sought dismissal of the appeal.

11. Heard the learned counsel for the parties. Perused the judgment and award and original records.

12. It is not in dispute that the claimant sustained injuries in a road traffic accident that occurred on 16.12.2020 due to the rash and negligent driving of the driver of the Tata Magic vehicle bearing Registration No. MH-10-BM-1681. Due to the said accident, the claimant sustained the following injuries:

- i. Intertrochanteric fracture of the left femur.*
- ii. Fracture of the right tibia.*
- iii. Colles' fracture of the right wrist.*

13. The claimant examined the doctor as PW-2. In his evidence, he deposed that the claimant had suffered 25% disability to the left hip joint, 20% disability to the



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right knee joint, and 15% disability to the right wrist, and assessed the overall disability at 60%.

14. Considering the evidence of the doctor, the wound certificate (Ex.P-2), the discharge summary (Ex.P-3), and the disability certificate (Ex.P-5), we are of the opinion that the whole-body disability has to be assessed at 20%.

15. Even though the claimant claimed that he was earning ₹2,00,000/- per annum, he has not produced any document to establish the same. In the absence of material evidence, the Tribunal has rightly assessed the notional income at ₹13,750/-. The multiplier applicable to the said age group is '15'.

16. Accordingly, the loss of future earnings is reassessed as follows:

$$\text{Rs.13,750/-} \times 12 \times 15 \times 20\% = \text{Rs.4,95,000/-}$$

17. Due to the said accident, the claimant suffered the aforesaid injuries. He was an inpatient for a period of 26 days. He suffered considerable pain during the



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treatment and has to suffer the disability throughout his life.

18. Considering the evidence of the doctor and the medical records, we are of the opinion that the compensation awarded by the Tribunal towards pain and suffering deserves to be enhanced from ₹50,000/- to ₹60,000/-.

19. The claimant is entitled to loss of income during the laid-up period for three months. The claimant is also entitled to compensation of ₹40,000/- towards loss of amenities.

20. On the other hand, the compensation awarded by the Tribunal under the remaining heads is just and reasonable. Thus, the compensation payable to the claimant is reassessed as follows:

Head	Tribunal	This Court
Pain and suffering	₹50,000/-	₹60,000/-
Loss of future earning	₹3,21,750/-	₹4,95,000/-
Towards inpatient charges	₹26,000/-	₹26,000/-
Food and Nourishment	₹10,000/-	₹10,000/-
Loss of amenities	-	₹40,000/-



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Head	Tribunal	This Court
Medical expenses	₹60,856/-	₹60,856/-
Loss of income during laid up period (13,750/- x 3)	₹27,500/-	₹41,250/-
Total	₹4,96,106/-	₹7,33,106/-

21. Accordingly, we proceed to pass the following:

ORDER

- i. The appeal is hereby ***allowed in part.***
- ii. The judgment and award dated 07.06.2024 passed in MVC No.1719/2021 on the file of the IX Additional District and Sessions Judge and Member, Additional MACT, Belagavi, is hereby modified.
- iii. The compensation of Rs.4,96,106/- awarded by the Tribunal is enhanced to Rs.7,33,106/-
- iv. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till the date of realization.
- v. The Insurance company is directed to deposit the enhanced compensation, together with interest thereon, after deducting the amount, if



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any, already deposited before the Tribunal,
within a period of six weeks from the date of
receipt of a certified copy of this judgment.

- vi. In view of the order dated 23.06.2026, the
claimant is not entitled to interest for the
delayed period of 552 days.
- vii. The amount in deposit, if any, shall be
transmitted to the jurisdictional Tribunal for
disbursement in accordance with law.
- viii. Draw the modified award accordingly.

Sd/-
(H.T.NARENDRA PRASAD)
JUDGE

Sd/-
(RAJESHWARI N.HEGDE)
JUDGE

AC
CT-CMU
LIST NO.: 1 SL NO.: 55