



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

MISCELLANEOUS FIRST APPEAL NO. 101812 OF 2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 101813 OF 2024 (MV-I)

IN MFA No. 101812/2024

BETWEEN:

1. SRI HANUMANTHA REDDY S/O MARANNA
AGE.40 YEARS, OCC AGRICULTURIST AND
KOLIMI WORK, R/O. RAYAPURA VILLAGE
MOLKALMURU TALUK
CHITRADURGA DIST
PRESENTLY AT HALKUNDI VILLAGE
BALLARI DISTRICT 583101

...APPELLANT

(BY SRI. MANJUNATH JADAI, ADV)

AND:

1. SREEDHAR BABU P
S/O P. BALAR REDDY NARAYANA
AGE 48 YEARS, DRIVER CUM OWNER OF
CAR BEARING NO KA-34/MD-0004
R/O WARD NO 19, MARUTHI COLONY
NEAR HANUMANTHA TEMPLE
HUSSAIN NAGAR
BALLARI TALUK AND DIST 583101
2. G. KUMARA REDDY S/O G. GOVIND REDDY
AGE 45 YEARS, POLICY HOLDER OF CAR
BEARNG NO. KA-34/MD-0004
R/O JAALIBUNCHI VILLAGE
BALLARI TALUKA AND DIST 583101
3. THE DIVISIONAL MANAGER
ORIENTAL INSURANCE COMPANY LTD,
BUDA COMPLEX NEAR MOTHI
CIRCLE, BALLARI 583101

Digitally signed by
MOHAN KUMAR B
SHEKHAR
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC-D:4749
MFA No. 101812 of 2024
C/W MFA No. 101813 of 2024

...RESPONDENTS

(BY SRI. R.R. MANE, ADV FOR R3,
NOTICE TO R1 & R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED 04.05.2023 PASSED IN MVC NO.689/2019 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.XI AND II ADDL. SENIOR CIVIL JUDGE, BALLARI PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 101813/2024

BETWEEN:

1. UMESHA @ Y. UMESHA S/O. YALLAPPA
AGE. 48 YEARS,
OCC. MILK VENDOR AND KOLIMI WORK,
R/O. RAYAPURA VILLAGE,
MOLKALMUR TALUK,
SIDDAIAHNA KOTE, CHITRADURGA DIST.
PRESENTLY AT HALKUNDI VILLAGE,
BALLARI DISTRICT-583101

...APPELLANT

(BY SRI. MANJUNATH JADAI, ADV)

AND:

1. SREEDHAR BABU P
S/O P. BALAR REDDY NARAYANA
AGE. 48 YEARS, DRIVER CUM OWNER OF
CAR BEARING NO. KA-34/MD-0004,
R/O WARD NO. 19, MARUTHI COLONY,
NEAR HANUMANTHA TEMPLE,
HUSSAIN NAGAR,
BALLARI TALUK AND DIST-583101.
2. G. KUMARA REDDY S/O G. GOVIND REDDY
AGE. 45 YEARS, POLICY HOLDER OF CAR



NC: 2026:KHC-D:4749
MFA No. 101812 of 2024
C/W MFA No. 101813 of 2024

BEARING NO. KA-34/MD-0004,
R/O JAALIBINCHI VILLAGE,
BALLARI TALUK AND DIST-583101

3. THE DIVISIONAL MANAGER
ORIENTAL INSURANCE COMPANY LTD,
BUDA COMPLEX, NEAR MOTHY CIRCLE,
BALLARI-583101

...RESPONDENTS

(BY SRI. R.R. MANE, ADV FOR R3,
NOTICE TO R1 & R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED 04.05.2023 PASSED IN MVC NO.690/2019 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO. XI & II ADDITIONAL SENIOR CIVIL JUDGE, BALLARI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

ORAL JUDGMENT

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

1. These appeals arise out of a common judgment and award dated 04.05.2023 passed in MVC No.689/2019 and MVC No.690/2019 by the Motor Accident Claims Tribunal No.XI and II Additional Senior Civil Judge, Ballari.
2. Brief facts, leading rise to filing of these appeals are as follows:



On 15.07.2018, the appellants were travelling on a motorcycle bearing registration No. KA-02/HA-1905. When they reached near the place of the accident, respondent No.1, being the driver of the car bearing registration No. KA-34-MD-0004, drove the same at a high speed in a rash and negligent manner and, while overtaking a lorry, dashed against the motorcycle of the appellants. As a result, the appellants sustained grievous injuries and immediately after the accident appellant was admitted to VIMS Hospital, Ballari and later on shifted to Puttur Hospital, Hosapete, incurred considerable medical expenses. The appellants filed claim petitions under Section 166 of the Motor Vehicles Act seeking compensation.

3. Notice was issued to respondents No.1 and 2 and despite service of summons, they remained absent and were placed ex-parte.
4. Respondent No.3–Insurance Company filed its statement of objections denying the averments made in the claim petitions and contended that the accident occurred due to



the rash and negligent riding of the motorcycle rider and that the driver of the offending vehicle did not possess a valid and effective driving licence as on the date of the accident, thereby violating the policy conditions. The Tribunal clubbed both the claim petitions.

5. The claimant in MVC No.689/2019 examined himself as PW1 and produced documents marked as Exs.P1 to P63. The claimant in MVC No.690/2019 examined himself as PW2 and produced documents marked as Exs.P64 to P113. claimants also examined two doctors as PW3 and PW4 and got marked documents as Ex.P8(a) and 70(a). On behalf of the Insurance Company, one witness was examined as RW1 and documents were marked as Ex.R1 and R2.
6. The Tribunal, upon consideration of the oral and documentary evidence, partly allowed the claim petitions and awarded total compensation of ₹7,87,583/- with interest at 6% per annum in MVC No.689/2019 and ₹4,26,040/- with interest at 6% per annum in MVC No.690/2019 from the date of petition till realization,



holding the respondents jointly and severally liable and directing the Insurance Company to deposit the compensation amount.

7. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the appellants have filed these appeals seeking enhancement. Hence this appeal.

8. Heard the learned counsel for the appellants and the learned counsel for the insurance company.

9. Learned counsel for the claimants contends that the compensation awarded by the Tribunal is on the lower side of enhancement. Hence, prays to allow the appeal by enhancing the compensation.

10. Per contra, learned counsel for the Insurance Company contends that the Tribunal has erred in awarding future prospects though the disability is less than 20% and that the compensation awarded is excessive. Though no appeal is filed by the Insurance Company, it seeks to challenge the findings under Order XLI Rule 22 of CPC. Hence, prays to dismiss the appeal.



11. Perused the records and considered the submissions of the learned counsel for the parties.
12. The point that arises for consideration is regarding quantum of compensation.
13. It is not in dispute that the appellants sustained injuries in the accident. In order to establish negligence, the appellants have produced the charge sheet marked as Ex.P6. The Tribunal is justified in recording a finding that the accident occurred due to the rash and negligent driving of the offending vehicle.
14. Insofar as income is concerned, though the appellants contended that they were agriculturists earning ₹2,00,000/- to ₹4,00,000/- per annum, no documentary evidence has been produced. In the absence of proof of income, the Tribunal has rightly taken the notional income at ₹11,750/- per month as per the chart issued by KSLSA as the accident is of the year 2018.
15. The doctors examined as PW3 and PW4 have assessed the disability at 52% in MVC No.689/2019 and



40% in MVC No.690/2019. However, they are not the treated doctors. The Tribunal has taken the disability at 17% and 13% respectively, which is just and proper. The compensation awarded under other heads is also just and reasonable. Hence, the claimants/appellants have not made out any ground for enhancement of compensation. Therefore, I do not find any error in the impugned judgment and award. Accordingly, I proceed to pass the following:

ORDER

The appeals are dismissed.

Pending application, if any, shall be disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE