

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.103799 OF 2015 (MV)

BETWEEN:

S.A. MUNAWAR AHMED S/O H. MD AYUB
AGE. 19 YEARS, OCC. STUDENT,
R/O H.NO.F-2, A.P.H.E.S. QUARTERS,
SANGANAKAL ROAD, BALLARI.

...APPELLANT

(BY SRI. MALLIKARJUNSWAMY B. HIEMATH, ADVOCATE)

AND:

1. KHAJA HUSSAIN S/O MEHABOOB SAB
AGE: 30 YEARS, OCC: RIDER OF THE MOTOR CYCLE
BEARING NO.KA.34/Y-4985,
R/O ROOPANAGUDI ROAD,
BESIDE VARABASAPPA TEMPLE, BALLARI.
2. SHAIKSHAVALLI S/O KHAJAPPER
AGE: 39 YEARS, OCC: OWNER OF TEH MOTOR CYCLE
BEARING NO.KA/34/Y-4985,
R/O KUVEMPU NAGAR, 1ST CROSS, BALLARI.
3. THE DIVISIONAL MANAGER,
M/S ORIENTAL INSURANCE COMPANY LTD.,
2ND FLOOR, SLV TOWER, PARVATHI NAGAR,
MAIN ROAD, BALLARI.

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADVOCATE FOR R3;
R1 AND R2-DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT 1988, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 22.07.2015 PASSED BY THE MOTOR ACCIDENTS CLAIM TRIBUNAL-XII BELLARY IN MVC NO.1127/2013 AND ENHANCING THE COMPENSATION REASONABLY AND ADEQUATELY, IN THE INTEREST OF JUSTICE AND EQUITY.



THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 20.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

1. This appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 22.07.2015 passed in MVC No.1127/2013 on the file of the Motor Accident Claims Tribunal-XII, Ballari (for short, 'the Tribunal'), seeking enhancement of compensation.

2. The parties are referred to as per their ranking before the Tribunal.

3. Brief facts of the case are that, on 22.03.2013, the appellant-claimant, aged 17 years and a student, sustained injuries in a road traffic accident involving Motorcycle bearing registration No. KA-34/Y-4985 due to rash and negligent riding by respondent No.1. The claimant sustained fracture of lower end of right femur, pain, swelling and tenderness in the right knee. The doctor assessed permanent disability at 25% to the whole body. The Tribunal, however, considered the disability at 10% to the whole body and awarded total compensation of Rs.2,57,200/- with interest at 7% per annum from the date of

petition till the date of deposit. Being dissatisfied with the quantum of compensation, the claimant has preferred this appeal.

4. The point that arises for consideration is, *'whether the compensation awarded by the Tribunal requires enhancement?'*

5. Heard learned counsel appearing for the appellant – claimant and the counsel for respondent No.3-Insurance Company and perused the materials on record.

6. Having considered the contentions advanced, it is seen that the Tribunal assessed the income of the claimant at Rs.4,500/- per month. The accident occurred in the year 2013. Having regard to the notional income fixed under the Lok Adalat guidelines for the year 2013, the income is re-assessed at Rs.7,000/- per month. The claimant was aged 17 years at the time of accident. The appropriate multiplier applicable is '18'. Though the doctor assessed permanent disability at 25% to the whole body, in the absence of material to establish functional disability affecting earning capacity to that extent, the Tribunal's assessment of 10% disability to the whole body is maintained. Accordingly, loss of future income is recalculated as

Rs.1,51,200/- (Rs.7,000 × 12 × 18 × 10%). With regard to pain and suffering, the Tribunal has awarded Rs.20,000/- and the same needs enhancement of Rs.20,000/- more, which comes to **Rs.40,000/-**. The compensation awarded by the Tribunal under the head of loss of amenities is also to be enhanced to Rs.20,000/-, which comes to **Rs.40,000/-** and insofar the medical expenses and incidental charges are concerned, the Tribunal has awarded Rs.1,20,000/-, which has to be enhanced for a sum of Rs.10,000/- more, which comes to **Rs.1,30,000/-**. Therefore, the claimant is entitled for total compensation of **Rs.3,61,200/-** as against **Rs.2,57,200/-**. The enhanced compensation of **Rs.1,04,000/-** shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.

7. Accordingly, the reassessment of the compensation is as under:

Sl. No.	Head of Compensation	Tribunal Award (Rs.)	Re-assessed (Rs.)
1	Pain and sufferings	20,000/-	40,000/-
2	Medical expenses & attendant charges	1,20,000/-	1,30,000/-
3	Loss of future income	97,200/-	1,51,200/-
4	Loss of amenities	20,000/-	40,000/-
	Total	2,57,200/-	3,61,200/-

8. Thus, the claimant is entitled for total compensation of **Rs.3,61,200/-** as against **Rs.2,57,200/-** awarded by the Tribunal. Hence, the claimant is entitled for enhanced compensation of **Rs.1,04,000/-** shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.

9. For the aforesaid reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed-in-part***.
- (ii) The judgment and award dated 22.07.2015 passed in MVC No.1127/2013 on the file of the Motor Accident Claims Tribunal-XII, Ballari, is ***modified***.
- (iii) The claimant is entitled for total compensation of **Rs.3,61,200/-** as against **Rs.2,57,200/-** awarded by the Tribunal. The enhanced compensation of **Rs.1,04,000/-** shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.

- (iv) Respondent No.3-Insurance Company shall deposit the enhanced compensation amount within six weeks from the date of receipt of a certified copy of this judgment.
- (v) On such deposit, the amount shall be released in favour of the claimant in terms of the award of the Tribunal.

No order as to costs.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

Kgk,CT:VP