



NC: 2026:KHC-D:4634  
MFA No. 24839 of 2012

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 25<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V.HOSMANI**

MISCELLANEOUS FIRST APPEAL NO.24839 OF 2012 (MV-I)

**BETWEEN:**

SHRI SHIVAKUMAR  
S/O KASHAPPA SOBARAB,  
AGE: 47 YEARS,  
OCC: SERVICE AS FIELD ASSISTANT,  
R/O: JUNIPETH, RAMDURG,  
TQ: RAMDURG, DIST: BELGAUM.

...APPELLANT

(BY SRI CR HIREMATH, ADVOCATE)

**AND:**

1. SRI IMAMSAB  
S/O CHANDASAB SHIRASANGI @ BEVUR,  
AGE: MAJOR, OCC: BUSINESS,  
R/O: RAMDURG, TQ: RAMDURG, DIST: BELGAUM.
2. RELIANCE GENERAL INSURANCE COMPANY LTD.,  
THROUGH ITS BRANCH OFFICE,  
MAHADEV PLAZA, C.T.S. NO.10719, SY.NO.135/A,  
NEAR KOLHAPUR CIRCLE, NEHRU NAGAR, BELGAUM.

...RESPONDENTS

(BY SRI GN RAICHUR, ADVOCATE FOR R2 (VC);  
NOTICE TO R1-DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, AGAINST THE JUDGMENT AND AWARD DATED 19.10.2011 PASSED IN MVC NO.2595/2010 ON THE FILE OF THE SENIOR CIVIL JUDGE & ADDL. M.A.C.T RAMDURG, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION & ETC.

THIS MFA COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI





### **ORAL JUDGMENT**

Challenging judgment and award dated 19.10.2011 passed by Civil Judge and Member, Addl. MACT, Ramdurg (**'Tribunal'**, for short) in MVC no.2595/2010, this appeal is filed.

2. Sri CR Hiremath, learned counsel for appellant submitted that appeal was by claimant for enhancement of compensation. It was submitted that on 03.04.2010 when claimant working as a Field Officer in Shivasagar Sugar and Agro Products Limited, Udupudi, was travelling on motorcycle no.KA-24/H-3643 from Ramdurg towards Bannur Thanda, driver of auto rickshaw no.KA-24/5636 drove it in rash and negligent manner and dashed against motorcycle. In accident, claimant sustained grievous injuries and admitted to hospital. Despite treatment, he did not recover fully and sustained permanent physical disability. Claiming compensation, he filed claim petition against owner and insurer of auto rickshaw.

3. Claim petition was opposed on all counts by respondents. Based on pleadings, Tribunal framed issues and recorded evidence. Claimant along with Dr.Suresh A.Karlahalli



deposed as PWs1 and 2 and got marked Exhibits P1 to P14. Respondent did not lead oral evidence, but got marked copy of insurance policy as Ex.R1 with consent.

4. On consideration, Tribunal held accident occurred due to rash and negligent driving of auto rickshaw by its driver and claimant was entitled for compensation of ₹1,15,000/- with interest at 9% per annum from insurer. Dissatisfied with quantum, claimant was in appeal.

5. It was submitted that claimant was 45 years of age, sustained fracture of intertrochanteric of right femur assessed by PW2 to have resulted in 25% disability to right lower limb as per Ex.P11. Despite same, Tribunal awarded inadequate compensation towards pain and suffering, towards loss of income during laid up period, towards conveyance and other incidental expenses and amenities. On said limited grounds sought for enhancement.

6. On other hand, Sri GN Raichur, learned counsel for respondent - insurer opposed appeal.



7. Heard learned counsel, perused impugned judgment and award and record.

8. Since only claimant is in appeal, point that would arise for consideration is:

'Whether claimant is entitled for enhancement of compensation as sought?'

9. Same is answered 'partly in affirmative' for following reasons.

10. There is no dispute about claimant sustaining injuries and disability on account of an accident involving insured vehicle due to rash and negligent driving by its driver. Appeal is filed for enhancement under limited heads.

11. Insofar as compensation towards pain and suffering, claimant sustained fracture of intertrochanteric of right femur. Tribunal awarded **₹35,000/-** towards same. Same would appear just and proper and cannot be stated to be grossly inadequate. Therefore, no interference.

12. As on date of accident, claimant was stated to be working as Field Officer and earning ₹8,000/- per month.



Claimant took inpatient treatment for a period of 20 days. Tribunal has awarded a sum of ₹12,000/- towards conveyance, attendant and other incidental expenses, which would be inadequate and is enhanced with **₹20,000/-**.

13. Normally, fractures take about 3 months to heal. Considering said period as layoff and income at ₹8,000/- per month, claimant is awarded **₹24,000/-** towards loss of income during laid up period. Tribunal awarded ₹6,000/- towards loss of amenities. Since disability sustained would affect claimant while not on employment and during remainder of his life, award would be grossly inadequate and stands enhanced to **₹20,000/-**. Thus, claimant is held entitled for reassessed compensation as follows:

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| Pain and suffering                                          | ₹35,000/-          |
| Towards conveyance, attendant and other incidental expenses | ₹20,000/-          |
| Medical expenses                                            | ₹5,000/-           |
| Loss of amenities                                           | ₹20,000/-          |
| Loss of income during laid up period                        | ₹24,000/-          |
| Loss of future income                                       | ₹43,680/-          |
| Loss of amenities                                           | ₹20,000/-          |
| <b>Total</b>                                                | <b>₹1,67,680/-</b> |



14. Consequently, following:

**ORDER**

- i. Appeal is **allowed in part.**
- ii. Claimant is entitled for enhanced compensation of **₹1,67,680/-** as against ₹1,15,000/- awarded by Tribunal excluding of 273 days being delay in filing appeal. Same shall carry interest at 9% p.a. from date of petition till date of deposit.
- iii. Insurer is directed to deposit enhanced compensation within six weeks.
- iv. On deposit, entire amount is ordered to be released to claimant.

**Sd/-  
(RAVI V.HOSMANI)  
JUDGE**

CLK  
CT:VP  
LIST NO.: 1 SL NO.: 9