



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

MISCELLANEOUS FIRST APPEAL NO. 105143 OF 2024 (MV-I)

BETWEEN:

1. M. RANGANATHA @ RANGANATH
S/O M. PULLAYYA, AGE 53 YEARS
OCC. AGRICULTURIST, R/O. 125, 4TH WARD,
NEAR GOVT PRIMARY SCHOOL
OLD DAROJI VILLAGE, BALLARI TALUK AND DIST
PRESENTLY AT VIDYA NAGAR
NEAR OPD, BALLARI DISTRICT 583101.

...APPELLANT

(BY SRI. MANJUNATH JADAI, ADVOCATE)

AND:

1. SIDDARAMAPPA NAREGAL @
SEETHARAMAPPA S/O PUTTAPPA,
AGE 39 YEARS, DRIVER OF LORRY BEARING
NO.TN-02/AZ-9763, R/O BANKAPUR
SHIGGAON TALUK, HAVERI DISTRICT 581202.
2. R VIJAYA BASKAR S/O D RAGOTHAMAN
AGE 35 YEARS, OWNER OF LORRY
BEARING NO. TN-02/AZ-9763,
R/O D NO.1, N.NO.15 C-BLOCK
ANNANAGAR EAST, CHENNAI 600102.
3. THE DIVISIONAL MANAGER,
UNITED INDIA COMPANY LTD,
SRI. SHANKAR COMPLEX, 1ST FLOOR, D.NO.48-50A,
MAIN ROAD, PARVATHI NAGAR
OPP. SONY CENTRE, BALLARI 583101.

...RESPONDENTS

(BY SMT. PADMAJA TADAPATRI, ADV FOR R3,
NOTICE TO R1 & R2 IS DISPENSED WITH)

VIJAYALAKSHMI
M KANKUPPI



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VIJAYALAKSHMI
M KANKUPPI

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THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED 08.07.2024 PASSED IN MVC NO.639/2019 ON THE FILE OF THE MOTOR ACCIDENT CLAIM TRIBUNAL NO.V AND I ADDL. SENIOR CIVIL JUDGE BALLARI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

ORAL JUDGMENT

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

The claimant dissatisfied with the quantum of compensation filed this appeal challenging the judgment and award dated 08.07.2024 passed in MVC No.639 of 2019 by the learned MACT-V, and I Additional Senior Civil Judge, Ballari (for short, 'the Tribunal').

2. Brief facts, leading rise to the filing of this appeal are as follows:

3. On 15.12.2018, the claimant and others were proceeding by walk on the proper side of the road from Daroji Lake towards their houses. When they were proceeding on Ballari-Kampli road. At that time, the lorry bearing Reg.No.TN-02/AZ-9763, driven by its driver in a



rash and negligent manner, came and dashed to the claimant. As a result, the claimant sustained grievous injuries. Hence, the claimant filed a claim petition under Section 166 of the M.V.Act seeking compensation on account of the injuries sustained by him in the road traffic accident. Accordingly, prays to allow the claim petition.

4. Notice was issued to the owner and the driver of the offending vehicle. Despite the service of notice, they remained unrepresented, and were placed ex-parte before the Tribunal.

5. The Insurance Company filed a statement of objections denying the averments made in the claim petition. It is contended that the offending vehicle was insured with the Insurance Company. It is also contended that the liability is subject to policy terms and conditions. It is contended that the driver of the offending vehicle did not possess a valid and effective driving licence as of the date



of the accident. Hence, prays to dismiss the claim petition against the Insurance Company.

6. The Tribunal, based on the rival pleadings of the parties, framed the relevant issues.

7. The claimant, to substantiate his claim, examined himself as P.W.1, examined the doctors as P.Ws.2 and 3, and marked 275 documents as Exs.P1 to Exs.P275. The Insurance Company did adduce neither oral nor documentary evidence.

8. The Tribunal, after recording the evidence of the parties and after appreciating the verbal and documentary evidence placed on record, allowed the claim petition in part vide judgment and award dated 08.07.2024, and awarded a compensation of Rs.2,85,112/- to the claimant with interest at the rate of 6% per annum from the date of the petition, till its realisation, and held that the respondents are jointly and severally liable to pay the entire compensation amount, and directed respondent No.3-Insurance Company to



deposit the compensation amount with accrued interest within 90 days from the date of judgment.

9. The claimant, being dissatisfied with the quantum of compensation, filed this Miscellaneous First Appeal.

10. Heard the arguments of the learned counsel for the claimant and the learned counsel for the Insurance Company.

11. Learned counsel for the claimant submits that the claimant has examined the doctors as P.Ws.2 and 3, and they have opined that the claimant has suffered permanent disability to an extent of 22%, however, the Tribunal assessed permanent disability at 7%, which is on the lower side. He submits that the compensation awarded by the Tribunal on the other heads is also on the lower side. Hence, on these grounds, he prays to allow the appeal by enhancing the amount of compensation.



12. *Per contra*, the learned counsel for the Insurance Company submits that the compensation awarded by the Tribunal is just and proper and the same do not require any interference at the hands of this court and accordingly, prays to dismiss the appeal.

13. Perused the records and considered the submissions of the learned counsel for the parties.

14. The point that would arise for consideration is regarding the *quantum of compensation*.

15. It is an undisputed that the claimant met with an accident on 15.12.2018, and sustained grievous injuries. The accident has occurred due to the rash and negligent driving of the driver of the offending vehicle. The claimant to prove that the accident had occurred due to the rash and negligent driving of the driver of the offending vehicle, has produced a final report marked as Ex.P5. The Tribunal was justified in answering Issue No. 1 by recording a finding that the accident had occurred due to the rash and negligent driving of the driver of the offending vehicle.



Regarding the quantum of compensation

16. It is an undisputed fact that the claimant was aged about 48 years as of the date of the accident, and the accident is of 2018. The claimant contended that he is an agriculturist and used to earn Rs.5,00,000/- p.a. To substantiate his contention, he has not produced any income proof. In the absence of the income proof, the Tribunal has assessed the notional income of the claimant at Rs.11,750/- p.m. as per the schedule issued by the Karnataka State Legal Services Authority, which is just and proper. The multiplier applicable to the age group of the claimant is '13', as per the proposition of law laid down in the case of **SARLA VERMA (SMT) AND OTHERS V. DELHI TRANSPORT CORPORATION AND ANOTHER** reported in **(2009) 6 SCC 121**.

17. The Tribunal has not considered the disability assessed by the doctor at 22%. This court, considering the evidence of the doctors, and the material available on



record, re-assessed the disability of the claimant at 12%. In the light of the above, this court re-assesses the compensation as follows:

Sl. No.	Particulars	Amount of compensation awarded by this court (In Rupees)
1	Loss of future income (11,750 x 12 x 13 x 12%)	2,19,960
2	Pain and suffering	75,000
3	Medical expenses	41,330
4	Transportation charges	20,000
5	Loss of amenities	25,000
6	Loss of income during laid-up period (11,750 x 5)	58,750
	Total	4,40,040
	Compensation awarded by the Tribunal	2,85,112
	Compensation enhanced by this Court	1,54,928

18. Thus, the claimant is entitled to a total compensation of Rs.4,40,040/- as against Rs.2,85,112/-, awarded by the Tribunal. Therefore, the claimant is entitled to an enhanced compensation of Rs.1,54,928/-, in addition to the compensation awarded by the Tribunal with interest at the rate of 6% per annum from the date of the petition



till its realisation. For the foregoing, the point regarding the quantum is answered accordingly.

19. In view of the discussion, I proceed to pass the following:

ORDER

- i) The Appeal is allowed in part.
- ii) The impugned judgment and award passed by the Tribunal is hereby modified.
- iii) The claimant is entitled to a total compensation of Rs.4,40,040/- as against Rs.2,85,112/- awarded by the Tribunal. Thus, the claimant is entitled to an enhanced compensation of Rs.1,54,928/-, in addition to the compensation awarded by the Tribunal with interest at the rate of 6% per annum from the date of the petition till its realisation.
- iv) The Insurance Company is directed to deposit the entire compensation amount with accrued interest within 8 weeks from the date of receipt of a certified copy of this judgment.



- v) Liberty is reserved to the claimant to withdraw the entire enhanced compensation amount after deposit made by the Insurance Company.
- vi) The amount in deposit, if any and the Tribunal records shall be transmitted to the Tribunal, forthwith.
- vii) Pending applications, if any shall stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

MBS
CT: BSB
List No.: 1 Sl No.: 2