



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO. 200677 OF 2024 (MV-I)

BETWEEN:

GOUDAPPA S/O DUNDAPPA BIRADAR,
AGE: 49 YEARS, OCC: BUSINESS,
R/O MANGLOOR,
BABALESHWAR-586113.

...APPELLANT

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. HANAMANT S/O BHAGAVANT MANTUR,
AGE: 44 YEARS, OCC: BUSINESS,
R/O BIDARI, TQ. JAMAKHANDI,
DIST. VIJAYAPURA-587301.
2. THE MANAGER LEGAL/CLAIMS,
IFFCO-TOKIO GENERAL INSURANCE
COMPANY LIMITED,
ASIAN AREA, OPPOSITE TO SYNDICATE BANK,
NEAR ANAND HOTEL, S.B. TEMPLE ROAD,
KALABURAGI-585103.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2;





V/O DTD.24.02.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO ALLOW THIS APPEAL AND ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED 14.03.2023 PASSED BY THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER MACT-XII, AT VIJAYAPURA, IN MVC NO.161/2020.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

This appeal is directed against the judgment and award dated 14.03.2023 passed in MVC No.161/2020 by the III Additional Senior Civil Judge and MACT-XII at Vijayapura (for short, "the Tribunal"), whereby compensation was awarded to the claimant.

2. For the sake of convenience, the parties in this appeal are referred to according to their status and ranking before the Tribunal.



3. I have heard Sri. Sangnagouda V. Biradar, learned counsel appearing for the appellant, and Sri. Subhash Mallapur, learned counsel appearing for the respondent-Insurance Company. I have also perused the records.

4. In the light of the arguments advanced by the learned counsel for the parties, there is no dispute with regard to the occurrence of the road traffic accident on 11.04.2019, as a result of which the claimant sustained grievous injuries. On perusal of the evidence of PW-2, the Eye Surgeon, it is seen that the Doctor has assessed the visual disability at 30%, as noticed in paragraph 26 of the judgment of the Tribunal. In that view of the matter, the Tribunal ought to have taken the disability at 30%.

5. The accident occurred in the year 2019. As per the guidelines issued by the Karnataka State Legal



Services Authority, the notional income of the claimant is taken at Rs.13,250/- per month. By applying the multiplier of 14, in terms of the judgment of the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation***, reported in **(2009) 6 SCC 121**, and taking the disability at 30% (eye disability), the claimant is entitled to compensation of Rs.6,67,800/- ($13,250 \times 12 \times 14 \times 30\%$) towards loss of future income due to permanent disability.

6. Taking into consideration the nature of injuries sustained by the appellant-claimant, the compensation is reassessed under the following heads:

Heads	Amount (Rs.)
Pain and suffering	50,000
Conveyance charges	20,000
Loss of income during treatment (Rs.13250x3 months)	39,750
Loss of future income due to permanent	6,67,800



Heads	Amount (Rs.)
disability	
Loss of future amenities	50,000
Total	8,27,550
Less: Compensation awarded by the Tribunal	2,23,000
Enhancement of compensation	6,04,550

7. After deducting the compensation already awarded by the Tribunal, the claimant is entitled to an enhanced compensation of Rs.6,04,550/- accordingly.

8. Thus, the claimant is entitled to a total compensation of Rs.8,27,550/- with interest at 6% per annum from the date of petition till realization.

9. Accordingly, the appeal is ***allowed in part***. The judgment and award passed by the Tribunal stand modified to the extent indicated above.

10. The respondent-Insurance Company is directed to deposit the entire compensation amount within a



period of six weeks from the date of receipt of a certified copy of this order.

11. In terms of the order dated 24.02.2025, the claimant is not entitled to interest for the delayed period of 202 days in filing the appeal.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 23
CT:PK