



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200736 OF 2024 (MV-I)

C/W

MISCL. FIRST APPEAL NO.202150 OF 2023 (MV-I)

IN MFA No.200736/2024:

BETWEEN:

APPASAB S/O RAMACHANDRA GURAV,
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O SALAGAR B.K., SOLAPUR,
NOW R/ AT JALNAGAR,
VIJAYPAURA-586 101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. ASHOK S/O RAM PAWAR,
AGE: 44 YEARS, OCC: BUSINESS,
R/O BALAJI NAGAR, LAMANI TANDA,
TQ. MANGALWEDA, DIST. SOLAPUR-413 305.
2. THE BRANCH MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
2ND FLOOR, V. A. KALBURGI SQUARE,
DESHPANDE NAGAR, DESAI CROSS,
HUBLI-29.





3. SUREKHA D/O R. DHALE,
AGE: 44 YEARS, OCC: HOUSEHOLD WORK,
R/O BATAGUNAKI, TQ. INDI,
DIST. VIJAYAPURA-586 207.
4. THE BRANCH MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED,
1ST FLOOR, BIDARI COMPLEX,
S.S. FRONT ROAD, VIJAYAPURA-586 101.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
SRI MOHD. ABDUL QUAYUM, ADVOCATE FOR R4;
V/O DTD. 20.01.2025, NOTICE TO R1 & R3 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL AND
ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM
PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED
24.01.2023 PASSED BY THE COURT OF III ADDITIONAL
SENIOR CIVIL JUDGE AND MEMBER, MACT-XII AT VIJAYAPURA,
IN MVC NO.510/2019.

IN MFA NO.202150/2023:

BETWEEN:

THE BRANCH MANAGER,
RELIANCE GEN. INS. CO. LTD.,
2ND FLOOR, V.A. KALBURAGI SQUARE,
DESHPANDE NAGAR, DESAI CROSS,
HUBLI-29.
(NOW REPRESENTED BY
AUTHORISED SIGNATORY,
DESHPANDE NAGAR, HUBLI)

...APPELLANT

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE)



AND:

1. APPASAB S/O RAMACHANDRA GURAV,
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O SALAGAR B.K., SOLAPUR,
NOW R/AT JAL NAGAR,
VIJAYAPURA-586 101.
2. ASHOK S/O RAM PAWAR,
AGE: 44 YEARS, OCC: BUSINESS,
R/O BALAJI NAGAR, LAMANI TANDA,
TQ. MANGALWEDA,
DIST. SOLAPUR-413 305.
3. SUREKHA D/O R. DHALE,
AGE: 44 YEARS, OCC: H.H. WORK,
R/O BATAGUNAKI, TQ. INDI,
DIST. VIJAYAPURA-586 101.
4. THE BRANCH MANAGER,
ORIENTAL INS. CO. LTD.,
1ST FLOOR, BIDARI COMPLEX,
S.S. FRONT ROAD,
VIJAYAPUR-586 101.

...RESPONDENTS

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE FOR R1;
SRI MOHD. ABDUL QUAYUM, ADVOCATE FOR R4;
R2 AND R3 - SERVED)

THIS MFA IS FILED UNDER SECTION 173 (1) OF THE
MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL
BY SETTING ASIDE THE IMPUGNED COMMON JUDGMENT
AND AWARD DATED 24.01.2023 IN MVC NO.510/2019
PASSED BY THE III ADDL. SENIOR CIVIL JUDGE AND
MACT-XII AT VIJAYAPURA.

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



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

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. These appeals are arising out of the common judgment and award dated 24.01.2023 in MVC No.510/2019 on the file of III Additional Senior Civil Judge and MACT-XII at Vijayapura, partly allowing the claim petition and awarding compensation to the claimant.

3. For the sake of convenience, the parties would be referred to as per their rank before the Tribunal.

4. The relevant facts for adjudication of these appeals are that, on 13.10.2014, the claimant was travelling as a pillion rider on motorcycle bearing No.KA-28/EF-8366 towards Mangalweda side on Marwade-Mangalaweda road and at that time, a jeep bearing No.MH-12/YA-4327 came in rash and negligent manner and dashed to the motorcycle on which the claimant was a pillion rider and on account of the same, the claimant has



sustained grievous injuries. Hence, claimant has preferred MVC No.510/2019 before the Tribunal, seeking compensation.

5. On service of notice, the respondents entered appearance and contested the matter on merits.

6. In order to establish the case, the claimant himself was examined as PW.1 and examined the doctor as PW.3 and two more witnesses as PWs.4 and 5 to prove the accident. The claimant has produced 20 documents and same were marked as Exs.P1 to P20. On the other hand, no oral or documentary evidence was adduced by the respondents.

7. The Tribunal, after considering the material on record, by judgment and award dated 24.01.2023, awarded compensation of Rs.2,57,000/- with interest at 6% per annum from the date of petition till realisation and directed respondent No.2-Insurance Company therein to pay the compensation.



8. Feeling aggrieved by the inadequacy of compensation awarded by the Tribunal, the claimant has preferred MFA No.200736/2024 and on the other hand, the Insurance Company has preferred MFA No.202150/2023, questioning the liability.

9. Smt. Preeti Patil Melkundi, learned counsel appearing for the Insurance Company argued that, though the accident was occurred on 13.10.2014, the complaint was lodged on 06.03.2015 as per Ex.P1 and therefore, sought for interference of this Court in the impugned judgment and award stating that, the claim petition itself is not maintainable.

10. On the other hand, Sri Sanganagouda V. Biradar, learned counsel appearing for the claimant referring to Ex.P3(a) argued that, the spot panchanama was made on the very date of the accident i.e., on 13.10.2014 and therefore, he countered the arguments advanced by the learned counsel appearing for the Insurance Company. It is also argued by the learned



counsel appearing for the claimant that, the compensation awarded by the Tribunal is on the lower side and the same is required to be enhanced in this appeal.

11. In the light of the submissions made by the learned counsel appearing for the parties, on careful consideration of the finding recorded by the Tribunal and on perusal of the original records would indicate that, the alleged accident has occurred on 13.10.2014 and on the very same day, the complaint was lodged, which is forthcoming from Exs.P1 and P2. A perusal of the recital in the complaint under Ex.P2 indicates the date of accident as 13.10.2014, a case was registered as Crime No.42/2014 and the spot panchanama was conducted on the very same day as per Ex.P3. In that view of the matter, though the FIR was registered on 06.03.2015 for the purpose of conducting the investigation, however, on careful consideration of Exs.P2 and P3, I am of the view that, the arguments advanced by the learned counsel appearing for the Insurance Company cannot be accepted.



12. Insofar as the enhancement of compensation sought for by the claimant is concerned, on careful consideration of the evidence of PW.3-treating doctor and the fact that the claimant was hospitalized for a period of seven days and taking into account the grievous injuries sustained by the claimant, I am of the view that, the disability taken by the Tribunal at 10% is just and proper. However, in view of the fact that the accident is of the year 2014, as per the guidelines of the Karnataka Legal Services Authority, the Tribunal ought to have taken the notional income of the claimant at Rs.7,500/- per month instead of Rs.7,000/- per month. The multiplier of '13' adopted by the Tribunal is just and proper. Thus, the claimant is entitled for Rs.1,17,000/- (Rs.7,500 x 12 x 13 x 10%) towards loss of future income.

13. Further, taking into consideration the grievous injuries sustained by the claimant and also the evidence of PW.3, the compensation awarded by the Tribunal under



other heads is also required to be re-assessed and accordingly, the same is re-assessed as follows:

Pain and suffering	Rs.50,000/-
Loss of future income	Rs.1,17,000/-
Loss of income during laid up period (Rs.7,500 x 3)	Rs.22,500/-
Nourishment	Rs.20,000/-
Attendant charges	Rs.20,000/-
Conveyance charges	Rs.20,000/-
Special diet	Rs.20,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.3,19,500/-

Thus, the claimant is entitled for total compensation of Rs.3,19,500/- with interest at 6% per annum.

14. In the result, I pass the following:

ORDER

(i) MFA No.202150/2023 filed by the Insurance Company is dismissed.

(ii) MFA No.200736/2024 filed by the claimant is allowed in part holding that, the appellant/claimant is entitled for total compensation of Rs.3,19,500/- as against Rs.2,57,200/- awarded by the Tribunal, with interest at



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C/W MFA No.202150 of 2023

6% per annum from the date of petition till realisation. However, in view of the order of this Court dated 20.01.2025, the claimant is not entitled for interest on the enhanced compensation for a period of 251 days in filing the appeal.

(iii) The appellant in MFA No.202150/2023-Insurance Company is directed to deposit the compensation amount with interest within a period of six weeks from the date of receipt of a certified copy of this judgment.

(iv) The amount in deposit, if any, made by the Insurance Company before this Court is ordered to be transmitted to the Tribunal for disbursement.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 29