



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200224 OF 2022 (MV-I)

BETWEEN:

SHAIK CHANDSAB @ CHANDSAB PATEL
S/O RUKNODDIN AKKALKOT,
AGE: 36 YEARS, OCC: DRIVER, NOW NIL,
R/O. VILLAGE DHANGAPUR, TQ. ALAND,
DIST. KALABURAGI,
NOW RESIDING AT NGO'S COLONY,
RAJAPUR, SHAHABAD ROAD,
KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. SHIVAPUTRA S/O MALLESHAPPA CHOWAL
AGE: MAJOR, OCC: BUSINESS,
OWNER OF LORRY BEARING REG. NO.
KA-32-A-7513,
R/O. VILLAGE KADAGANCHI,
TQ. ALAND, DIST. KALABURAGI-585 302.
2. CHOLAMANDALAM MS GENERAL
INSURANCE CO. LTD.,
DIVISIONAL OFFICE, ASIAN PLAZA,
NEAR TIMMAPURI CIRCLE, KALABURAGI,
REPRESENTED BY ITS
AUTHORIZED OFFICER-585 102.
3. MR. VENKATA REDDY DASARI
S/O VENKATA SUBBA REDDY,





AGE: MAJOR,
OCC: OWNER OF ATRVEH-ARTICULATED VEHICLE
BEARING NO. KA-01-AD-8413,
R/O. NO. 120, 1ST FLOOR, KTS NILAYA,
5TH CROSS, KPN EXTENSION,
BENGALURU-500 003.

4. NATIONAL INSURANCE COMPANY LTD.,
BENGALURU,
THROUGH ITS DIVISIONAL OFFICE,
REPRESENTED BY THE DIVISIONAL MANAGER,
1ST FLOOR, BILGUNDI COMPLEX,
OPP. MINI VIDHAN SOUDHA,
MAIN ROAD, KALABURAGI-585102.

...RESPONDENTS

(BY SRI MANJUNATH MALLAYYA SHETTY, ADVOCATE FOR R2;
SRI SHARANABASAPPA M. PATIL, ADVOCATE FOR R4;
NOTICE TO R1 AND R3 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO ALLOW THIS APPEAL AND
AWARD COMPENSATION OF RS.15,00,000/- (EXCLUDING THE
AMOUNT AWARDED BY THE TRIBUNAL) ALONG WITH
INTEREST OF 12% P.A. BY MODIFYING THE JUDGMENT AND
AWARD DATED 25.10.2021 PASSED BY THE SENIOR CIVIL
JUDGE AND MACT-II, ALAND IN MVC NO.745/2016.

THIS APPEAL 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
appellant and learned counsel appearing for respondent
Nos.2 and 4.



2. This appeal is filed by the claimant seeking enhancement of compensation, assailing the judgment and award dated 25.10.2021 in MVC No.745/2016, on the file of learned Senior Civil Judge and MACT-II at Aland, Kalaburagi district (hereinafter referred to as 'Tribunal').

3. Having taken note of the submission made by the learned counsel appearing for the parties and also taking into account the injuries sustained by the claimant as per Ex.P3 - wound certificate and the disability certificate at Ex.P9, I am of the view that, the Tribunal ought to have taken the disability to the extent of 15%. Taking into consideration that, the accident is of the year 2015 and as per the guidelines issued by the Karnataka State Legal Services Authority, monthly income of the claimant would be Rs.8,000/- and by applying the appropriate multiplier of 16, the claimant is entitled for Rs.2,30,400/- (Rs.8,000x12x16x15%) towards loss of future earning capacity.



4. Taking into consideration the grievous injuries sustained by the claimant as per the wound certificate and the disability certificate marked before the Tribunal, the compensation awarded by the Tribunal is reassessed as follows:

Heads	Amount
Pain and suffering	Rs.60,000/-
Loss of earnings during laid up period (Rs.8,000x3)	Rs.24,000/-
Loss of amenities	Rs.60,000/-
Loss of future of earnings	Rs.2,30,400/-
Towards food and nourishment and attendant charges	Rs.40,000/-
Medical expenses	Rs.1,25,237/-
Future medical expenses	Rs.20,000/-
Total	Rs.5,59,637/-
Less: awarded by Tribunal	Rs.4,40,837/-
Enhancement	Rs.1,18,800/-

Thus, the clamant is entitled for enhanced compensation of **Rs.1,18,800/-** with interest at the rate of 6% per annum.



5. In the result, I pass the following:

ORDER

- I. The appeal is allowed in part.
- II. The appellant/claimant is entitled for enhanced compensation of **Rs.1,18,800/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.
- III. Respondent Nos.2 and 4 - Insurance Companies are directed to deposit the compensation amount in the ratio of 50:50, within six weeks from the date of receipt of certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 32
CT:PK