



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE P. SREE SUDHA

MISCL. FIRST APPEAL NO.201341 OF 2023 (MV-I)

BETWEEN:

SUBHASGOUDA RAMANAGOUDA PATIL,
AGE: 49 YEARS, OCC: AGRIL.,
R/O. HEGADIHAL,
VIJAYAPURA TQ.,
NOW AT RAGHAVENDRA COLONY,
BAGALKOT ROAD,
VIJAYAPURA.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

Digitally signed
by SUMITRA
SHERGAR

Location: HIGH
COURT OF
KARNATAKA

1. MOHAMAD ALI ABDULGAPUR INAMDAR,
AGE: 33 YEARS, OCC: BUSINESS,
R/O. WARD NO.30, HAVELI GALLI,
VIJAYAPURA-586 101.
2. THE MANAGER,
POS-GO DIGIT GENERAL INSURANCE CO. LTD.,
ATLANTIS 95, 4TH B CROSS ROAD,
KORAMANGALA INDUSTRIAL LAYOUT,



5TH BLOCK,
BENGALURU-560 095.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE, FOR R2;
R1-V/O DTD.20.03.2023 NOTICE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ENHANCE THE COMPENSATION AMOUNT PAYABLE TO THE APPELLANT BY SUITABLY MODIFYING THE JUDGMENT AND AWARD DATED 16.08.2022 PASSED BY THE COURT OF THE IV ADDL. SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL-XV, VIJAYAPURA, IN MVC NO.1418/2019.

THIS APPEAL COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MRS. JUSTICE P. SREE SUDHA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE P. SREE SUDHA)

1. Heard the arguments of both sides.
2. This appeal is filed by the claimant against the judgment and award dated 16.08.2022 passed by the IV Additional Senior Civil Judge and Member, M.A.C.T.-XI, Vijayapura, [for short 'Tribunal'] in MVC No.1418/2019 seeking enhancement of compensation.



3. The claimant aged 46 years, met with an accident on 02.05.2019 and sustained grievous injuries. Hence, he filed a claim petition before the Tribunal seeking compensation of Rs.20,00,000/- from the respondents. The Tribunal after considering the entire evidence on record, awarded the compensation of Rs.2,34,200/- with interest at 6% per annum from the date of petition till realization and directed respondent No.1- owner of the vehicle to pay the compensation and exonerated respondent No.2 - Insurance Company from its liability.

4. Aggrieved by the said award, the appellant-claimant has preferred this appeal, mainly contending that the compensation awarded by the Tribunal under all heads is on the lower side. It is contended that though the claimant was earning Rs.30,000/- per month, the Tribunal erred in taking the income only at Rs.13,250/- per month. It is also contended that PW2 – Doctor has assessed the disability at 25 to 30% in respect of right upper limb, but the Tribunal has considered the same at 5%, which is



required to reassessed by this Court and thus, prayed for allowing the appeal.

5. Admittedly, it is the case of the disability suffered by the claimant. Though, claimant claims his income as Rs.30,000/- per month, he failed to prove the same. In the absence of evidence, as the accident is of the year 2019, as per the chart issued by the Karnataka State Legal Services Authority, the Tribunal has rightly assessed his income at Rs.13,250/- per month, which needs no interference by this Court.

6. As per Ex.6 – Wound Certificate, the claimant sustained fracture of right clavicle, which is shown as grievous in nature. He was admitted as inpatient for 4 days, undergone surgeries and also undergone follow up treatment. PW2 is the Orthopaedic Surgeon, who issued Disability Certificate as per Ex.P13 assessing the disability at 25 to 30% in respect of right upper limb. He has also stated that the implants were removed, fractures are untied and injuries are now healed up. Therefore, the



Tribunal has considered disability at 5% to the whole body. Looking to the injuries suffered and the treatment undergone, this Court finds it reasonable to take whole body disability at 10%. Accordingly, the claimant is entitled for loss of future earning capacity as under:

$$\text{Rs.13,250/-} \times 12 \times 13 \times 10\% = \text{Rs.2,06,700/-}$$

7. The claimant was admitted in the hospital for 4 days and undergone follow up treatment for several days and it is stated that he could not attend any work at least for a period of 6 months. Therefore, this Court finds it reasonable to enhance the amount of compensation to Rs.50,000/- for injury, pain and suffering; Rs.25,000/- for loss of amenities; Rs.30,000/- for transportation, extra nourishment and attendant charges; and Rs.39,750/- for loss of income during laid up period for 3 months. The Tribunal has rightly awarded a sum of Rs.57,341/- towards medical expenses, which needs no interference.



8. The compensation awarded by the Tribunal is modified as under:

Sl. No.	Heads	Award by the Tribunal	Award by this Court
1	Injury, pain and suffering	Rs.30,000/-	Rs.50,000/-
2	Medical Expenses	Rs.57,341/-	Rs.57,341/-
3	Loss of future earning capacity	Rs.1,03,272/-	Rs.2,06,700/-
4	Transportation, extra nourishment and attendant charges	Rs.7,000/-	Rs.30,000/-
5	Loss of amenities	Rs.10,000/-	Rs.25,000/-
6	Loss of income during laid up period	Rs.26,500/-	Rs.39,750/-
Total		Rs.2,34,113/-	Rs.4,08,791/-
There will be enhancement of Rs.1,74,678/-			

9. No doubt, the Tribunal has rightly observed that there was no valid Driving License to the driver of the



insured vehicle and there is violation of the terms and conditions of the Policy and hence, held that respondent No.1 – owner of the insured vehicle is liable to pay the compensation to the claimant.

10. However, relying on the judgment of the Apex Court in the case of **Pappu Vs. Vinod Kumar Lamba**¹, this Court directs respondent No.2 – Insurance Company to pay the compensation to the claimant at the first instance and it is at liberty to recover the same from respondent No.1.

11. In the result, the following order is passed:

(i) Appeal is ***allowed in part.***

(ii) The claimant is entitled for the enhanced compensation of Rs.1,74,678/- with interest at 6% per annum from the date of petition till the date of realization.

¹ (2018) 3 SCC 208



(iii) Respondent No.2 – Insurance Company is directed to deposit the aforesaid compensation amount along with interest within one month from the date of this order at the first instance and it is at liberty to recover the amount from respondent No.1 – owner of the vehicle.

(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P. SREE SUDHA)
JUDGE

SBS
List No.: 1 SI No.: 95
CT: AK