



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 200576 OF 2022 (MV-I)

BETWEEN:

MUKESH @ MUKUNDA S/O TIMMANNA BANPATTI,
AGE: 35 YEARS, OCC: BUSINESS,
R/O NIMBARGA, TQ. ALAND,
NOW RESIDING AT ANJANEYA NAGAR,
NEAR ISHWAR TEMPLE, SEDAM ROAD,
OPP.OLD RTO, KALABURAGI-585105.

...APPELLANT

(BY SRI. B. K. HIEMATH, ADVOCATE)

AND:

1. BASAYYA S/O PATTARAYYA HOSALIMATH,
AGE: 36 YEARS, OCC: DRIVER,
R/O HULGI, MUNIRABAD R.S.
TQ. AND DIST. KOPPAL-583 234.
2. SATISH
S/O RAJASHEKHARAYYA ILALMATH,
AGE: 50 YEARS, OCC: OWNER OF TRACTOR BEARING
NO.KA-37/TA-4141,
R/O WARD NO.2, KUSTAGI,
DIST. KOPPAL-584121.
3. THE MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL OFFICER,





JAWALI COMPLEX, MAIN ROAD,
SUPER MARKET, KALABURAGI-585101.

...RESPONDENTS

(BY SRI J. AUGUSTIN, ADVOCATE FOR R3;
V/O DTD.02.06.2022 NOTICE TO R1 & R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE I
ADDL. SENIOR CIVIL JUDGE AND MACT, KALABURAGI IN MVC
NO.231/2016 ON DATED 13.08.2019 BY PASSING MEAGER
AMOUNT OF RS.5,42,300/- AND THIS HON'BLE COURT BE
PLEASED TO ENHANCE THE COMPENSATION AS PRAYED FOR.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 13.08.2019 in MVC No. 231 of 2016
passed by the I Additional Senior Civil Judge & MACT,
Kalaburagi (for short, 'the Tribunal'), awarding
compensation to the claimant.



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

3. I have heard Sri. B.K. Hiremath, learned counsel appearing for the appellant, and Sri. J. Augustin, learned counsel appearing for the respondent-Insurance Company. I have perused the records.

4. In the light of the arguments advanced by the learned counsel appearing for the parties, there is no dispute with regard to the occurrence of the road traffic accident on 07.12.2014. As a result of the said accident, the claimant sustained grievous injuries. On perusal of the nature of injuries sustained by the claimant, as per Ex.P3-Wound Certificate, the Tribunal ought to have taken the disability at 20%.

5. The accident occurred in the year 2014. As per the guidelines issued by the Karnataka State Legal



Services Authority, the notional income of the claimant is taken at Rs.7,500/- per month. By applying the multiplier of 16, 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 considering the disability at 20%, the claimant is entitled to compensation of Rs. 2,88,000/- $(7,500 \times 20\% \times 16 \times 12)$ 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
Medical expenses	2,86,300
Attendant charges	20,000
Conveyance charges	20,000



Heads	Amount (Rs.)
Loss of income during treatment (7,500 × 3 months)	22,500
Loss of future income due to permanent disability	2,88,000
Loss of future amenities	50,000
Total	7,36,800
Compensation awarded by the Tribunal	5,42,300
Enhanced compensation	1,94,500

7. After deducting the compensation already awarded by the Tribunal, the claimant is entitled to enhanced compensation of Rs. 1,94,500/-.

8. Thus, the claimant is entitled to a total compensation of Rs. 7,36,800/- 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 are modified to the extent indicated above.



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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.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 SI No.: 43
CT:PK