



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

MISC. FIRST APPEAL NO.200333 OF 2023 (MV-I)

BETWEEN:

GOUSE PATEL @ GOUSE MIYA,
S/O SHABBIR PATEL @ SHABBIR MIYA,
AGE: 47 YEARS,
OCC: CENTRING WORK NOW NIL,
R/O. KURIKOTA,
TQ. AND DIST. KALABURAGI,
NOW AT SATNOOR, TQ. CHITTAPUR,
DIST. KALABURAGI.

...APPELLANT

(BY SMT. TABBASUM SULTANA, ADVOCATE)



AND:

1. SHIVAPUTRA
S/O KALYANAPPA HARKUDE,
AGE: MAJOR,
OCC: OWNER OF CAR BEARING,
NO. KA-32/N-5539,
R/O DEPT. OF SOCIOLOGY,
KALABURAGI-585102.
2. THE NATIONAL INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER,
1ST FLOOR, DR JAWALI COMPLEX,



SUPER MARKET,
KALABURAGI-585 102.
POLICY NO.61040131181142183025.
WEF 21.07.2018 TO 20.07.2019.

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;
V/O DTD.25.01.2023 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173 (1) OF THE MOTOR VEHICLES ACT, PRAYING TO A) EXERCISE ITS APPELLATE JURISDICTION, CALL FOR THE ENTIRE LOWER COURT RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 29-9-2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT, AT CHITTAPUR IN MVC.NO.1251/2019 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR. B) TO HOLD BOTH THE RESPONDENT JOINTLY AND SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION TO THE APPELLANT.

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 preferred by the claimant seeking enhancement of compensation assailing the judgment and award dated 29.09.2022 in MVC.No.1251/2019 on the file of Senior Civil Judge and MACT, at Chittapur, awarding compensation.



02. Having heard the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 01.07.2019, in which the claimant sustained grievous injuries.

03. Looking into the nature of the injuries and the evidence of PW.2 makes it clear that the Tribunal ought to have taken the disability to the extent of 20%. The accident is of the year 2019 and as per the guidelines of the Karnataka Legal Services Authority, the monthly income of the claimant would be Rs.13,250/- and by applying the appropriate multiplier of 14, the claimant is entitled for Rs.4,45,200/- towards loss of future income (Rs.13,250/- x 12 x 14 x 20%).

04. By considering the nature of injuries and the evidence of PW-2, the award of compensation is reassessed as under:-



Heads	Amount
Loss of future income	Rs.4,45,000/-
Pain and suffering	Rs.50,000/-
Loss of amenities	Rs.50,000/-
Attendant charges	Rs.20,000/-
Loss of income during laid up period (Rs.13,250/- x 4)	Rs.53,000/-
Total	Rs.6,18,000/-
Less: awarded by Tribunal	Rs.4,28,700/-
Enhancement	Rs.1,89,300/-

05. Thus, the claimant is entitled for enhanced compensation of **Rs.1,89,300/-** with interest at the rate of 6% per annum from the date of petition till its realization.

06. In the result, I pass the following:

ORDER

I. The appeal filed by the claimant is allowed in part.



II. The appellant - claimant is entitled for enhanced compensation of **Rs.1,89,300/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

III. Respondent No.2 - Insurance Company is directed to deposit the aforesaid compensation amount within six weeks from the date of receipt of certified copy of this judgment.

The claimant is not entitled for interest for a period of 09 days delay in filing the appeal as per the order dated 25.01.2023 passed by this Court.

In view of the disposal of main appeal, the pending I.As. does not survive for consideration, hence, they are also disposed of.

Sd/-
(E.S.INDIRESH)
JUDGE

KJJ
List No.: 1 Sl No.: 29
CT:PK