



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.200492 OF 2023 (MV-I)

BETWEEN:

KUMARI GAGANA
D/O SHARANABASAYYA,
AGE: 15 YEARS, MINOR REPRESENTED BY
HER NEXT FRIEND AND NATURAL MOTHER
SMT. SHARNAMMA W/O SHARANABASAYYA,
AGE: 34 YEARS, OCC: HOUSEHOLD & COOLIE,
R/O KATGAL, POST: ANKASDODDI,
TQ. MASKI, DIST. RIACHUR-584 124.

...APPELLANT

(BY SRI BASAVARAJ R. MATH, ADVOCATE)

AND:

1. SHIVAKUMAR S/O BASAPPA,
AGE: MAJOR, OCC: DRIVER,
R/O H.NO.5-3-908, SINDHANUR,
TQ. SINDHANUR, DIST.RAICHUR-584 124.
2. SYED HUSSAIN S/O SYED AHMD HUSSAIN,
AGE: MAJOR, OCC: OWNER OF VEHICLE IN
QUESTION,
R/O WA.NO.4, NEAR JAMIYA MASJID,
BADEBASE, SINDHANUR, TQ. SINDHANUR,
DIST. RAICHUR-584 124.
3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,





SINGARAO COMPLEX
BEHIND INDIAN OVERSES BANK,
BUS STAND ROAD, SINDHANUR-584 124.

...RESPONDENTS

(BY SRI RAHUL R. ASTURE, ADVOCATE FOR R3;
V/O DTD. 02.02.2023, NOTICE TO R1 & R2 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO ENHANCE THE AWARD
AMOUNT BY MODIFY THE IMPUGNED JUDGMENT AND AWARD
DATED 20.06.2022 PASSED BY THE SENIOR CIVIL JUDGE AND
MACT AT LINGASUGUR, IN MVC NO.554/2019.

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 parties.

2. This appeal is preferred by the claimant, seeking
enhancement of compensation, assailing the judgment and
award dated 20.06.2022 in MVC No.554/2019 on the file of
Senior Civil Judge and MACT, Lingasugur, partly allowing the
claim petition and awarding compensation to the claimant.

3. On careful consideration of the material on record,
it would indicate that, there is no dispute as to the occurrence



of the accident on 03.03.2019, in which the appellant has sustained grievous injuries. Since the appellant is a minor, aged 11 years, by following the declaration of law made by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr.*** reported in ***2025 LiveLaw (SC) 871***, the award of Compensation has to be quantified by taking into account the claimant as a major.

4. Having heard the learned counsel appearing for the parties and taking into account the evidence of the treating doctor – PW.2 and also the disability certificate at Ex.P7, I am of the view that, the appellant has suffered the disability to an extent of 10%. Since the accident is of the year 2019, as per the guidelines of the Karnataka State Legal Services Authority, the notional income of the appellant is to be taken at Rs.13,250/- per month and by adopting the multiplier of 18, the loss of future earnings would be Rs.2,86,200/- (Rs.13,250x12x18x10%).



5. Further, taking into consideration the injuries sustained by the appellant as per the wound certificate at Ex.P6, the appellant is entitled for enhancement of compensation under other heads also.

6. Accordingly, the compensation awarded by the Tribunal is reassessed as follows:

Pain and suffering	Rs.40,000/-
Medical expenses	Rs.1,49,800/-
Future medical expenses	Rs.30,000/-
Loss of future earnings	Rs.2,86,200/-
Conveyance charges	Rs.20,000/-
<u>Diet and nourishment</u>	Rs.20,000/-
Loss of amenities	Rs.40,000/-
Total	Rs.5,86,000/-
Less: awarded by Tribunal	Rs.2,89,800/-
Enhancement:	Rs.2,96,200/-

Thus, the appellant is entitled for enhanced compensation of Rs.2,96,200/- with interest at 6% per annum.

7. 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.2,96,200/- with interest at 6% per annum from the date of petition till realisation. However, as per the order of this Court dated 02.02.2023, the appellant is not entitled for interest for the delayed period of 14 days in filing the appeal.

(iii) Respondent No.3-Insurance Company is directed to deposit the said amount within six weeks from the date of receipt of a certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 25