



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200679 OF 2023 (MV-I)

BETWEEN:

KALYANI @ KALYANKUMAR
S/O MANAPPA KASETTY (HUSBANDI),
AGE: 23 YEARS, OCC: STUDENT,
R/O DORAANAHALOLI,
TQ. AND DIST. YADAGIRI,
NOW R/ AT BALAJI NAGAR, YADAGIRI,
TQ. AND DIST. YADGIRI.

...APPELLANT

(BY SRI GANESH NAIK, ADVOCATE)

AND:

1. VIKRAMASING S/O POORASINGH,
AGE: MAJOR,
OCC: BUSINESS AND OWNER OF LORRY BEARING
REGISTRATION NO.HR-47/C-8725,
R/O. VILLAGE PAWATI POST. ORANPUR BAWAL
REWARI,
HARYANA STATE-123 501.
2. KHEMCHAND S/O S.H.BHURE SINGH,
AGE: MAJOR, OCC: BUSINESS,
R/O. VILLAGE PAWATI,
THE BAWAL REWARI HARYANA STATE-123 401
3. M/S GENERAL MANAGER,
IFFCO TOKIO GENERAL INSURANCE CO. LTD.,

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



KALABURAGI
KARNATAKA STATE-585 102.

...RESPONDENTS

(BY SRI NAGARAJ PATIL, ADVOCATE FOR R1 AND R2;
SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R3)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL, THE JUDGMENT AND AWARD DATED 13.07.2022 IN MVC NO.226/2019 PASSED BY THE COURT OF THE BEFORE THE MEMBER MOTOR ACCIDENT CLAIMS TRIBUNAL-II YADAGIRI AND CONSEQUENTLY BE PLEASED TO THE DISCHARGE THE RESPONDENT NO.1 AND 2 FROM ITS LIABILITY TO PAY THE COMPENSATION AND ALSO BE PLEASED TO ENHANCING THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION AND LIABILITY FIXED ON THE RESPONDENT NO.3.

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 13.07.2022 in MVC No.226/2019, on the file of the Motor Accident Claims Tribunal-II at Yadgiri



(hereinafter referred to as 'Tribunal'), awarding compensation to the claimant.

3. Having taken note of the submission made by the learned counsel appearing for the parties, it is not in dispute that, the claimant has sustained grievous injuries on account of road traffic accident occurred on 30.12.2018.

4. Taking note of the reasons assigned by the Tribunal and by looking into the evidence of PW.2 – treating doctor, I am of the view that the Tribunal ought to have taken the disability at 15% by looking into the grievous injuries sustained by the claimant, particularly, with regard to fracture of inferior pubic rami. In that view of the matter, following the guidelines issued by the Karnataka State Legal Services Authority, the income of claimant has to be taken at Rs.11,750/- per month and by applying the appropriate multiplier of 17, the claimant is entitled for compensation of Rs.3,59,550/- towards loss of future income. Taking into consideration the other aspects



of the matter, I am of the view that, no interference is called for insofar as other heads are concerned.

5. Accordingly, the claimant is entitled for enhanced compensation as follows:

Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of earnings during laid up period	Rs.30,000/-
Loss of amenities	Rs.20,000/-
Loss of future of earnings	Rs.3,59,550/-
Towards food and nourishment and attendant charges	Rs.30,000/-
Medical expenses	Rs.5,45,088/-
Total	Rs.10,34,638/-
Less: awarded by Tribunal	Rs.8,38,288/-
Enhancement	Rs.1,96,350/-

Thus, the claimant is entitled for enhanced compensation of **Rs.1,96,350/-** with interest at the rate of 6% per annum.

6. Insofar as liability to pay the compensation is concerned, on careful consideration of the discussion made by the Tribunal at paragraph No.22, wherein, it is disclosed that, the cheque issued by respondent No.1 for



payment of premium amount has been dishonored due to insufficient funds in the account, however, respondent No.3 – Insurance Company has also issued intimation about dishonour of cheque through post after receipt of cheque returned memo with his banker. Hence, in view of the settled principle of law by this Court and the Hon'ble Supreme Court, respondent No. - Insurance Company is directed to pay the compensation to the claimant/appellant and thereafter, recover the same from respondent Nos.1 and 2.

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.1,96,350/-** 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 compensation amount within six weeks from the date of receipt of certified copy of this judgment and thereafter, recover the same from respondent Nos.1 and 2.

IV. Taking into consideration the order dated 22.03.2025, the claimant is not entitled for interest, for the delayed period of 100 days in filing the appeal.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 35
CT:PK