



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 201925 OF 2024 (MV-I)

BETWEEN:

AMAN S/O NAZEERAHMEED ATTAR,
AGE: 13 YEARS, OCC: STUDENT,
M/G BY NAZEERAHMEED S/O MEHABOOSAB,
AGE: 44 YEARS, OCC: WORKING IN A HOTEL,
R/O TAKDE GALLI, MANGOLI ROAD,
TQ. AND DIST. VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. AFSAR AHMED S/O O. AHMADLAPPY,
AGE: 47 YEARS, OCC: BUSINESS,
R/O NEAR DHANWANTRI HOSPITAL,
MUSTAFA COLONY, VIJAYAPURA-586 101.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
1ST FLOOR, SANGAM BUILDING,
S.S. FRONT ROAD,
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI SHARANABASAPPA M. PATIL, ADVOCATE FOR R2;
V/O DTD.17.10.2025 NOTICE TO R1 IS DISPENSED
WITH)

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by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



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 JUDGEMENT AND AWARD DATED 30.09.2023 PASSED BY THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE AND MACT XII, AT VIJAYAPURA IN MVC NO.262/2022.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

1. Heard the learned counsel for the parties.
2. This appeal is filed by the claimant assailing the Judgment and award dated 30.09.2023 passed in MVC No.262/2022 by the III Additional Senior Civil Judge and MACT-XII, at Vijayapura (for short 'the Tribunal'), awarding compensation.
3. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.
4. Having taken note of the submission made by the learned counsel for the parties, it is not in dispute that the



claimant has sustained grievous injuries on account of the road traffic accident on 04.01.2022. The claimant has examined the treating Doctor as P.W.2 to assess the disability of 8%. It is also to be noted from the grievous injuries sustained by the claimant as per the wound certificate marked at Ex.P.3 and also taking into account the monthly income of the claimant as Rs.14,750/- per month by following the guidelines of the Karnataka State Legal Services Authority, and also in the light of the Judgment of the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari and another**, reported in 2025 Livelaw SC 871, the loss of earning capacity of the claimant would be Rs.2,54,880/- (Rs.14,750/- X 12 X 18 X 8%). Hence, the award of compensation is re-assessed as follows:

Sl.No.	Heads of compensation	Amount
1	Loss of earning capacity	Rs.2,54,880/-
2	Pain and suffering	Rs.50,000/-
3	Loss of amenities	Rs.40,000/-
4	Medical expenses	Rs.54,000/-
5	Conveyance charges	Rs.20,000/-
6	Special diet	Rs.20,000/-
	Total	Rs.4,38,880/-



5. Accordingly, the following:

ORDER

(i) The appeal is allowed in-part;

(ii) The claimant is entitled for total compensation of Rs.4,38,880/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;

(iii) The respondent No.2-Insurance company is directed to deposit the compensation amount along with interest within six weeks from the date of this order.

Sd/-
(E.S.INDIRESH)
JUDGE