



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200716 OF 2023 (MV-I)

BETWEEN:

SHIVANAND @ SHIVAPPA
S/O DUNDAPPA RAVALI,
AGE: 25 YEARS,
OCC: STUDENT & PVT. SERVICE,
R/O ANJUTAGI, TQ. INDI,
DIST. VIJAYAPUR.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. RAVI S/O SADASHIV TORAVI,
AGE: 44 YEARS, OCC: BUSINES,
R/O JAI BHIM NAGAR, TORAVI,
TQ. AND DIST. VIJAYAPUR-586 101.
2. THE MANAGER LEGAL/CLAIMS,
LIBERTY VIDEOCON GENERAL INS. CO. LTD.,
10TH FLOOR, TOWER A,
PENINSULA BUSINESS PARK,
GANAPATRAO KADAM MARG, LOWER PAREL,
MUMBAI, MAHARASHTRA-400 013.

...RESPONDENTS

(BY SRI S.S. ASPALLI, ADVOCATE FOR R2;
V/O DTD. 20.03.2023, NOTICE TO R1 DISPENSED WITH)





THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL BY MODIFYING THE JUDGMENT AND AWARD DATED 21.10.2021 PASSED BY THE PRL. SENIOR CIVIL JUDGE AND MACT-V AT VIJAYAPURA IN MVC NO.842/2018 AND CONSEQUENTLY ENHANCE THE COMPENSATION FROM Rs,4,41,000/- TO Rs.30,00,000/- WITH INTEREST AT 12% PER ANNUM FROM THE DATE OF PETITION TILL ACTUAL REALIZATION.

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

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 21.10.2021 in MVC No.842/2018 on the file of the Principal Senior Civil Judge and MACT-V at Vijayapura, awarding global compensation of Rs.25,000/- along with medical bills of Rs.4,16,000/- with interest at 6% per annum from the date of petition till realisation, directing the respondent No.2-Insurance Company to deposit the same.



3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 19.05.2018, in which the claimant has sustained grievous injuries.

4. Perusal of the wound certificate at Ex.P4 reveals the following injuries:

"LOCAL EXAMINATION:- *Polytruma*

(1) Multiple abrasions over Face, Left cheek, B/L Knee

3-D CT SCAN OF FACE SHOWS:- *(1) Fracture of frontal bone on right side with extension of fracture line to roof of right, (2) Fracture of all walls of bilateral maxillary and ethmoid sinuses with hemosinus, (3) Fracture of bony nasal sept, (4) Fracture left zygomatic process, (5) Fracture of mandible."*

Looking into the grievous injuries sustained by the claimant as stated above, there are 5 fractures inflicted on the claimant and therefore, I am of the view that, the



Tribunal has committed an error in awarding Rs.25,000/- as global compensation.

5. The perusal of the record also indicates that, the claimant was hospitalized for more than one month. In that view of the matter, looking into the nature of injuries as stated above, I am of the view that, the ends of justice would be met, if the claimant is awarded with global compensation of Rs.2,00,000/-. The medical bills of Rs.4,16,000/- awarded by the Tribunal is just and proper. Thus, the claimant is entitled for total compensation of Rs.6,16,000/- with interest at 6% per annum from the date of petition till realisation.

6. In the result, I pass the following:

ORDER

(i) Appeal is allowed in part.

(ii) The appellant/claimant is entitled for total compensation of Rs.6,16,000/- as against Rs.4,41,000/-



awarded by the Tribunal, with interest at 6% per annum from the date of petition till realisation.

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

Sri S.S. Aspalli, learned counsel appearing for respondent No.2 is permitted to file vakalath within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 27