



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.200666 OF 2022 (MV-I)

BETWEEN:

VENKATESH S/O MAHADEVAPPA,
AGE: 35 YEARS, OCC: MASON WORK,
R/O BANDIGERA, TQ. & DIST. YADGIR.

...APPELLANT

(BY SRI. SHARANABASAPPA K. BABSHETTY, ADVOCATE)

AND:

1. EJAJ HUSSAIN BADAL
S/O LAYAK HUSSAIN BADAL,
AGE: 33 YEARS, OCC: OWNER OF THE CAR,
R/O GOGI MOHALLA, YADGIR,
TQ. & DIST. YADGIR.
2. THE MANAGER,
UNITED INSURANCE CO. LTD.,
CHITTAPUR ROAD, YADGIR.

...RESPONDENTS

(BY SMT. SANGEETA BHADRASHETTY, ADV. FOR R2;
V/O DTD. 01.02.2024, NOTICE TO R1 IS 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 06.03.2021,
PASSED BY THE SENIOR CIVIL JUDGE AND MACT-II AT

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH
COURT OF
KARNATAKA



YADGIR, IN MVC NO.157/2019 AND AWARD THE
COMPENSATION AMOUNT AS CLAIMED BY THE APPEALANT.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE P SREE SUDHA)

Heard the arguments of both sides.

2. This appeal is filed against the judgment and
award dated 06.03.2021 passed by the Senior Civil Judge
and MACT-II, Yadgir, in MVC No.157 of 2019.

3. The facts of the case are that, on 09.08.2018,
while the claimant and others were proceeding in a Jeep
bearing registration No.KA-33/M-6528 towards
Ramsamudra Dhaba, the driver of the said jeep drove it in
high speed and rash and suddenly applied the brake,
thereby the vehicle turned turtle, due to which, claimant
sustained grievous injuries.



4. Therefore, he filed a claim petition before the Tribunal claiming compensation of Rs.33,00,000/-. The Tribunal, considering the entire evidence on record, granted compensation of Rs.8,56,000/- with interest at 6% p.a. from the date of petition till realisation and directed respondent No.2-Insurance Company to deposit the same.

5. Aggrieved by the said judgment and award, the injured claimant has preferred this appeal, in which it is contended that, he sustained Mal union of right ala of sacrum and poster ion part of right iliac abnormality in pelvic shape and as per the disability certificate, the disability for trunk is about 35% and working capacity is lost to the extent of 70%, but the Tribunal has assessed the disability at 10%, which is on the lower side. He was working as mason and earning Rs.10,000/- per month, but, the Tribunal has taken his income only at Rs.8,000/- per month. The Doctor stated that the claimant requires one more surgery for removal of implants and estimated



cost is stated as Rs.40,000/-. The Tribunal has granted meagre amounts under other heads. Therefore, requested for enhancement of compensation.

6. Learned counsel for respondent No.2-Insurance Company stated that, the appellant himself stated that his income is only Rs.10,000/- per month. Therefore, though he has not filed any income proof, his income is to be taken at Rs.10,000/- per month without relying on the guidelines of the Karnataka State Legal Services Authority.

7. PW.2 issued Disability Certificate under Ex.P9, in which he stated that, there is malunion of right ala of sacrum and posterior part of right iliac bone with implant in situ and assessed the disability at 35% and also estimated the cost of future surgery for removal of implants as Rs.40,000/-. He further stated that, there is loss of 70% working capacity. The appellant was aged about 35 years, working as mason. The Tribunal has taken the disability at 10% to the whole body. $\frac{1}{3}^{\text{rd}}$ of 35%



comes to 11%. Therefore, this Court finds it reasonable to take the disability at 11%.

8. Though the appellant stated that, he was earning Rs.10,000/- per month, he has not produced any income proof. Therefore, as per the guidelines of the Karnataka State Legal Services Authority, as he met with an accident in the year 2018, this Court finds it reasonable to take his notional income at Rs.11,750/- per month.

9. The multiplier of 16 adopted by the Tribunal is just and proper.

10. Thereby, the loss of future income comes to Rs.2,48,160/- ($\text{Rs.11,750} \times 12 \times 16 \times 11\%$).

11. The amount of Rs.6,08,347/- awarded by the Tribunal towards medical expenses is just and proper and it needs no interference.

12. The appellant was hospitalised for a period of 44 days. Therefore, considering the nature of injuries and period of hospitalisation, this Court finds it reasonable to



grant an amount of Rs.40,000/- for pain and suffering, Rs.25,000/- for loss of amenities and Rs.30,000/- for transportation, extra nourishment and attendant charges.

13. The appellant might not have attended any work at least for a period of three months due to the injuries sustained in the accident. Therefore, he is entitled for Rs.35,250/- (Rs.11,750 x 3) for loss of income during laid up period.

14. Hence, the appellant is entitled for the modified compensation under different heads as below:

Pain and suffering	Rs.40,000/-
Medical expenses	Rs.6,08,347/-
Loss of future income	Rs.2,48,160/-
Loss of income during laid up period	Rs.35,250/-
Transportation, extra nourishment, and attendant charges	Rs.30,000/-
Loss of amenities	Rs.25,000/-
Total	Rs.9,86,757/-
Less: awarded by Tribunal	Rs.8,56,000/-
Enhancement	Rs.1,30,757/-

Thus, the appellant is entitled for enhanced compensation of Rs.1,30,757/- with interest at 6% per



annum and therefore, the appeal deserves to be allowed in part.

15. In the result, the following order is passed:

(i) Appeal is allowed in part.

(ii) The appellant/claimant is entitled for the enhanced compensation of Rs.1,30,757/- with interest at 6% per annum from the date of petition till the date of realisation.

(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment.

(iv) On such deposit, the appellant is permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P SREE SUDHA)
JUDGE