



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCL. FIRST APPEAL NO. 201036 OF 2026 (MV-I)

BETWEEN:

THE NEW INDIA ASSURANCE
COMPANY LIMITED,
THROUGH ITS DIVISIONAL MANAGER,
FIRST FLOOR, KANDLOOR MAAL,
SVP CHOWK, KALABURAGI – 585 102.

...APPELLANT

(BY SRI. MANVENDRA REDDY, ADVOCATE)

AND:

1. YESHWANTH S/O CHOKU RATHOD,
AGE : 37 YEARS,
OCC: TILES REPAIR WORK, NOW NIL,
R/O: KALAGANOOR,
TQ: DIST; KALABURAGI – 585 106.
2. ANKUSH PATIL S/O MAJ R.S.PATIL,
AGE: MAJOR, OCC: BUSINESS,
R/O: H.NO.B-206,
M.V. PERIWINKLE APARTMENTS,
RANCHENAHALLI LATE, BENGALURU – 560 064.

...RESPONDENTS

(NOTICE TO R1 IS SERVED;
V/O DATED 13.03.2026 NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR
VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD
DATED 11.08.2025 PASSED BY THE I ADDL. SENIOR CIVIL JUDGE
AND MACT AT KALABURAGI, IN MVC NO.1539/2024 BY ALLOWING





THE APPEAL AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Manvendra Reddy, learned counsel for the appellant. Though notice was served upon respondent No.1, respondent No.1 has not chosen to contest the case.

2. Projecting that compensation granted by the Motor Accident Claims Tribunal, Kalaburagi, (hereinafter referred as 'Tribunal' for brevity) through orders in MVC No.1539/2024 dated 11.08.2025 is exorbitant and excessive, respondent No.2 therein against whom liability was fastened by the Tribunal to pay compensation filed this appeal.



3. Sri Manvendra Reddy, learned counsel for the appellant contends that the appellant sustained only one grievous injury in the road traffic accident. But, PW.2 who is not a treated doctor assessed the disability in respect of whole body as 49%. The Tribunal took the disability in respect of the whole body as 25%. Indeed, respondent No.1/claimant does not suffer with any such permanent physical disability. Learned counsel submits that compensation granted by the Tribunal under all heads is on higher side and therefore, the impugned award requires modification.

4. The Tribunal, considering the evidence of PWs.1 and 2, Exs.P5, P6 and Exs.P9 to P15 came to a conclusion that respondent No.1/claimant is entitled a sum of Rs.40,000/- towards pain and suffering, Rs.19,000/- towards attendant, food and conveyance charges, Rs.11,24,550/- towards loss of future earnings, Rs.3,81,800/- towards medical expenses, Rs.66,000/-



towards loss of income during the period of treatment, Rs.40,000/- towards future nutritious food, Rs.1,00,000/- towards future medical expenses and Rs.50,000/- towards loss of amenities in life. The Tribunal thus awarded a sum of Rs.18,21,350/- as compensation. The contents of Ex.P9-disability certificate goes to show that respondent No.1/claimant sustained fracture of mandible, fracture of neck of left femur, fracture of shaft of femur left, fracture of tibia left and fracture of patella left. There is also a mention that respondent No.1/claimant underwent three surgeries i.e., CRIF with long PFN A2, CRIF with IMIL tibia and CRIF with K-wire. There is also a mention that he is required to undergo implant removal surgery which may cost around Rs.80,000/-. Further, it is mentioned that respondent No.1/claimant complained difficulty to walk, climb, squat and sit cross legged. The restriction of left hip and knee movement is also mentioned. Though there is assessment of disability in respect of



whole body at 49%, the Tribunal took the disability in respect of the whole body as 25%. As per the version of respondent No.1/claimant, he was doing tiles repair work and he was earning Rs.30,000/- per month by the date of accident. A person who is involved in doing tiles repair work is required to kneel down, sometimes sit and squat. But, as per the contents of Ex.P9-disability certificate, such movements are restricted due to the injuries sustained and the surgeries underwent. Therefore, we are of the considered view that the Tribunal rightly assessed the disability in respect of the whole body at 25%. Further, compensation granted by the Tribunal under all heads is justifiable. Therefore, we hold that there are no grounds to interfere with the findings given and the well reasoned order of the Tribunal.

5. Thus, the appeal is disposed of with the following:



ORDER

The appeal is dismissed.

Amount, if any, in deposit be transmitted to the
concerned Tribunal forthwith.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

NB
List No.: 2 Sl No.: 24
Ct: Vk