



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200723 OF 2023 (MV-I)

BETWEEN:

SHRINIVAS
S/O HANAMAGOUDA HOSAMANI,
AGE: 24 YEARS, OCC: CLEANER,
R/O GATTIGANUR, HUNAGUND TQ.,
BAGALKOT DIST.,
NOW AT GANESH NAGAR,
VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANABASAVA B. PATIL, ADVOCATE)

AND:

1. MAHESH S/O MADHUKAR SHITOLE,
AGE: MAJOR, OCC: BUSINESS,
R/O SHITOLE VASTI NO.2, KHADKI,
TQ. DOUND, DIST. PUNE.
(OWNER OF LORRY NO.MH-12/EF-9459)
2. THE MANAGER (LEGAL CLAIMS),
RELIANCE GENERAL INSURANCE CO. LTD.,
2ND FLOOR, V.A. KALABURAGI SQUARE,
DESPANDE NAGAR, DESAI CROSS, HUBLI-29.
3. TIMMANAGOUDA MALLANAGOUDA HOSMANI,
AGE: MAJOR, OCC: BUSINESS,
R/O GATTIGANUR, RAMAWADAGI,

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC-K:1159
MFA No. 200723 of 2023

POST: HUNAGUND, TQ. & DIST.BAGALKOT.
(OWNER OF TEMPO NO.KA-29/B-5680).

4. THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
HANAMASHETTI BUILDING, GURUKUL ROAD,
VIJAYAPURA-586 101.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2;
SRI SUDARSHAN M., ADVOCATE FOR R4;
V/O DTD. 06.07.2023, NOTICE TO R1 & R3 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGEMENT
AND AWARD PASSED BY THE COURT OF THE IV ADDITIONAL
SENIOR CIVIL JUDGE AND MEMBER, MACT-XV, VIJAYAPURA IN
MVC NO.342/2019 DATED 22.11.2022 AND ALLOW THE CLAIM
PETITION BY ENHANCING AND GRANTING THE RELIEF AS
PRAYED FOR BY THE APPELLANT.

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 22.11.2022 in MVC
No.342/2019 on the file of the Motor Accident Claims



Tribunal No.XV, Vijayapura, partly allowing the claim petition and awarding compensation to the claimant.

3. Having heard the learned counsel appearing for the parties, it is not in dispute that the appellant has sustained grievous injuries in a road traffic accident that occurred on 06.09.2018. Having taken note of the injuries sustained by the appellant as per the disability certificate at Ex.P15, so also the evidence of PW.2, it is forthcoming that, the injury is grievous in nature and therefore, I am of the opinion that, the Tribunal ought to have taken the disability to the extent of 20% instead of 5%. The notional income at Rs.11,750/- per month and the multiplier of '18' considered by the Tribunal are just and proper. Thus, the appellant is entitled for a sum of Rs.5,07,600/- (Rs.11,750x12x18x20%) towards loss of future income.

4. Further, taking into consideration the injuries sustained by the appellant as per the wound certificate at Ex.P7, I am of the view that, the appellant is entitled for enhancement of compensation under other heads also.



5. Accordingly, the compensation awarded by the Tribunal is reassessed as follows:

Injuries, pain and suffering	Rs.75,000/-
Medical bills and other incidental charges	Rs.3,25,937/-
Loss of future income	Rs.5,07,600/-
Loss of income during laid up period (Rs.11,750 x 6)	Rs.70,500/-
Food, nourishment, special diet	Rs.20,000/-
Attendant and conveyance charges	Rs.20,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.10,69,037/-
Less: awarded by Tribunal	Rs.5,29,750/-
Enhancement:	Rs.5,39,287/-

Thus, the appellant is entitled for enhanced compensation of Rs.5,39,287/- with interest at 6% per annum. The finding recorded by the Tribunal as to the apportionment of liability is not interfered with.

6. 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.5,39,287/- with interest at 6% per annum from the date of petition till realisation.

(iii) Respondent Nos.2 and 4 - Insurance Companies are directed to deposit the compensation with interest in the ratio of 50:50 within six weeks from the date of receipt of a certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 26