



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCL. FIRST APPEAL NO.200741 OF 2022 (MV-I)

BETWEEN:

HULSURE AKSHAYKUMAR
S/O HANMANTH,
AGE: 28 YEARS, OCC: LABOUR,
R/O NO.44, RAMPUR VILLAGE,
POST KOTGYAL,
TQ. AURAD-B, DIST. BIDAR,
NOW R/AT KAILASH NAGAR,
H.NO.16-1-400/10,
C/O HANMANTH
S/O GURAPPA DHADABE,
MANAGER, KGB, BIDAR.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. PANDURANG S/O NAGAPPA (NANDGAONKAR),
AGE: MAJOR, OCC: NOT KNOWN,
R/O 15-2-284, KUMBAR WADA CROSS,
BIDAR-585 402.
2. THE MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
NO.8-10-268 TO 273, 1ST FLOOR,
BASWASHREE COMPLEX,
BEHIND GANESH MAIDAN,





STADIUM ROAD BRANCH,
BIDAR-585 401.

...RESPONDENTS

(BY SRI. S.S. ASPALLI, ADVOCATE FOR R2;
V/O DATED 25.05.2022 NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 06.01.2022, PASSED BY THE PRL. SENIOR CIVIL JUDGE AND CJM AND ADDL. MACT, BIDAR, IN FILE BEARING M.V.C. NO.370/2019, BY ENHANCING THE COMPENSATION AS PRAYED FOR.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri Sanjeev Patil, learned counsel for the appellant as well as Sri S.S. Aspalli, learned counsel for respondent No.2.

2. Challenge in this appeal is the award that is passed by the Additional Motor Accident Claims Tribunal, Bidar in MVC No.370/2019 dated 06.01.2022. This is a claimant's appeal.

3. The appellant, who admittedly sustained two grievous and three simple injuries in a road traffic accident



that occurred in the year 2019, filed a petition claiming compensation of Rs.27,51,051/- in total. The Tribunal, through the impugned order held that he is entitled to a sum of Rs.9,17,957/- as compensation. The version of the appellant is that sum thus granted is grossly low.

4. Sri Sanjeev Patil, learned counsel for the appellant submits that the appellant as a labourer was earning Rs.16,000/- per month as on the date of accident. Without any basis, Tribunal took the notional income of the appellant as Rs.8,000/- per month. Learned counsel states that accident occurred in the year 2019 and for the relevant period, High Court Legal Services Committee, Kalaburagi Bench is taking the notional income as Rs.13,250/- per month and at least said figure should have been adopted by the Tribunal. Learned counsel also states that PW.2 assessed the disability as 33% and PW.3 as 20%. Thus, the disability in respect of whole body is 53%. But, Tribunal took the disability in respect of whole body at 18.88% only. Learned counsel also states that



Tribunal failed to add future prospects. Learned counsel further contends that Apex Court in number of decisions clearly held that, even in injury cases, future prospects are required to be added. Learned counsel also states that compensation granted by the Tribunal towards loss of income during laid up period, towards loss of amenities in life, towards pain and suffering and towards attendant, conveyance and allied charges is grossly low. Learned counsel thereby seeks for enhancement in compensation.

5. On the other hand, Sri.S.S.Aspalli, learned counsel for respondent No.2 submits that Tribunal taking into consideration totality of evidence, assessed the disability in respect of whole body as 18.88%, which requires no interference. Learned counsel also states that appellant can attend his normal pursuits as well as his work as labourer without any difficulty and therefore, there is no requirement to add future prospects. Learned counsel further states that taking the submission of



learned counsel for the appellant in respect of notional income, there may be marginal enhancement.

6. Tribunal having discussed the evidence of PWs.2 and 3, came to a conclusion that the disability in respect of whole body is required to be taken as 18.88%. The observations made in that regard requires no interference. However, as rightly contented by learned counsel for the appellant, Tribunal ought to have added future prospects. A person who suffers with disability of 18.88% in respect of whole body will certainly be unable to attend his work to eke out his livelihood in the same strength and manner with which he was doing prior to the date of such injuries being sustained. Thus, taking into consideration the age of the appellant as 25 years as on the date of accident, as per the decision of the Hon'ble Apex Court in ***National Insurance Company Limited v. Pranay Sethi and Ors. [(2017)16 SCC 680]***, 40% of the earnings are required to be added towards future prospects. Thus, on adding 40% towards future prospects,



taking the notional income as Rs.13,250/- per month, the disability in respect of whole body as 18.88% and on applying appropriate multiplier '18', compensation which appellant is entitled to receive towards loss of future earnings comes to Rs.7,56,483.84/- rounded off to Rs.7,56,484/- ($\text{Rs.13,250} + 40\% \times 12 \times 18 \times 18.88\%$).

7. Appellant admittedly sustained two grievous injuries and three simple injuries. Having considered the nature of injuries sustained and the treatment taken, this Court is of the view that appellant could not have attended his normal pursuits at least for a period of four months. Thus, loss of earnings during laid up period comes to Rs.53,000/- ($\text{Rs.13,250} \times 4$).

8. Also, this Court is of the view that appellant is entitled to Rs.50,000 towards pain and suffering and Rs.30,000/- towards loss of amenities in life.

9. Thus, compensation which appellant is entitled to receive under different heads is as under:



Sl. No	Description	Amount (in Rs.)
1.	Towards pain and suffering	50,000/-
2.	Towards medical expenses, future medical expenses food, extra nourishment, attendant and conveyance charges	5,07,710/-
3.	Towards loss of income during laid up period	53,000/-
4.	Towards loss of future earnings	7,56,484/-
5.	Towards loss of amenities in life	30,000/-
	Total	13,97,194/-

10. Tribunal granted a sum of Rs.9,17,957/- as compensation. However, foregoing discussion makes it clear that justifiable sum which appellant is entitled to receive as compensation is Rs.13,97,194/-. Therefore, appeal is disposed of with the following:

ORDER

- (i) Appeal is *allowed in part*.



- (ii) Compensation that is granted by the Additional Motor Accident Claims Tribunal, Bidar through orders in MVC No.370/2019 dated 06.01.2022 is enhanced from Rs.9,17,957/- to Rs.13,97,194/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 9
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