



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201845 OF 2024 (MV-I)

BETWEEN:

MAHEBOOB PATEL S/O MODIN PATEL,
AGE: 65 YEARS,
OCC: AGRICULTURE, NOW NIL,
R/O CHANDAPUR, TQ. CHINCHOLI,
DIST. KALABURAGI, NOW AT KUVEMPUR NAGAR,
AIWAN-E-SHAHI ROAD, KALABURAGI.

...APPELLANT

(BY SRI BHIMASHYA TAKKALAKI AND
SRI NAGARAJ PATIL, ADVOCATES)

AND:

1. DATTA S/O BILLU RATHOD,
AGE: MAJOR, OCC: DRIVER,
R/O MULSE TANDA,
NEAR TURURI VILLAGE,
TQ. UMARGA, OSMANABAD-413 501.
(DRIVER OF LORRY NO.MH-12/KP-5873)
2. SRI VIJAY S/O MANIKRAO GAIKWAD,
AGE: MAJOR, OCC: OWNER OF LORRY
BEARING NO.MH-12/KP-5873,
R/O KONDHAPUR, TQ. SHIRUR PUNE,
MAHARASHTRA STATE-111 045.
3. S B I GENERAL INSURANCE
"NATARAJ" 101, 201 AND 301,





JUNCTION OF WESTERN EXPRESS,
HIGHWAY AND ANDHERI,
KURLA ROAD, ANDHERI (EAST),
MUMBAI-400 069,
THROUGH ITS BRANCH OFFICE,
II FLOOR, NEAR SVP CHOWK,
S.B. TEMPLE ROAD, KALABURAGI-585 104.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R3;
V/O DTD. 22.01.2025, NOTICE TO R1 & R2 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT
AND AWARD DATED 31.12.2019 PASSED BY THE III ADDL.
SENIOR CIVIL JUDGE AND MACT, KALABURAGI IN MVC
NO.58/2016 BY ALLOWING THE APPEAL AND ENHANCE THE
COMPENSATION.

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 31.12.2019 in MVC
No.58/2016 on the file of the III Additional Senior Civil
Judge and MACT, Kalaburagi, awarding compensation of



Rs.2,72,047/- with interest at 6% p.a. from the date of petition till realisation by directing respondent No.3- 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 05.12.2014.

4. Taking into consideration the injuries sustained by the claimant and the evidence of PW.2-doctor, I am of the view that, the Tribunal ought to have taken the disability to the extent of 20% instead of 7%. Since the accident is of the year 2014, as per the guidelines of the Karnataka State Legal Services Authority, the notional income of the claimant is to be taken at Rs.7,500/- per month. It is evident from the wound certificate - Ex.P4 that, the age of the claimant was 50 years at the time of the accident and the same is considered. Therefore, the appropriate multiplier would be '13'. Thus, the claimant is



entitled for Rs.2,34,000/- (Rs.7,500 x 12 x 13 x 20%) towards loss of future income.

5. Further, taking into consideration the injuries sustained by the claimant as per the wound certificate, the claimant is entitled for enhancement of compensation under other heads also.

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

Pain and suffering	Rs.50,000/-
Medical expenses	Rs.1,25,567/-
Loss of future income	Rs.2,34,000/-
Loss of income during laid up period (Rs.7,500 x 4)	Rs.30,000/-
Attendant, food and conveyance charges	Rs.20,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.5,09,567/-
Less: awarded by the Tribunal	Rs.2,72,047/-
Enhancement:	Rs.2,37,520/-

Thus, the claimant is entitled for enhanced compensation of Rs.2,37,520/- with interest at 6% per annum.



7. In the result, I pass following:

ORDER

(i) The appeal is allowed in part.

(ii) The appellant/claimant is entitled for enhanced compensation of Rs.2,37,520/- with interest at 6% per annum from the date of petition till realisation. However, as per the order of this Court dated 22.01.2025, the appellant is not entitled for interest for the delayed period of 700 days in filing the appeal.

(iii) Respondent No.3-Insurance Company is directed to deposit the said amount 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.: 27