



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO.200940 OF 2020 (MV-I)

BETWEEN:

NARSING S/O SHARNAPPA KAMBLE,
AGED:40 YEARS, OCC: AUTO DRIVER
CUM OWNER, R/O. BASAVANAGAR,
BHALKI, TQ. BHALKI, DIST. BIDAR.

...APPELLANT

(BY SRI. SANDEEP VIJAYKUMAR, ADVOCATE)

AND:

1. DEEPAK SHARNAPPA WADIKAR,
AGED:MAJOR, OCC: AGRICULTURE & BUSINESS,
R/O. VILLAGE KALWADI,
TQ. BHALKI, DIST. BIDAR- 585 328.
(OWNER OF VEHICLE).
2. THE BRANCH MANAGER,
UNITED INSURANCE COMPANY LTD.
BRANCH OFFICE PARWATINATH COMPLEX,
BESIDES SANGMESH THEATER, DHULPETH
AREA BHALKI, TQ. BHALKI, DIST. BIDAR – 585 328.

...RESPONDENTS

(BY SRI. * MOHD. ABDUL QAYYUM, ADVOCATE FOR R2,
V/O DATED 09.12.2021 NOTICE TO R1 IS DISPENSED WITH)

*Corrected vide Court order dated :23.04.2026.



THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO A) CALL FOR THE RECORDS IN MVC NO.113/2016 ON THE FILE COURT OF THE ADDL. MACT AND ADDL. DISTRICT AND SESSIONS JUDGE, BIDAR SITTING AT BHALKI. B) TO MODIFY THE JUDGMENT AND AWARD DATED 12.07.2019 PASSED IN MVC NO.113/2016 ON THE FILE COURT OF THE ADDL. MACT AND ADDL. DISTRICT AND SESSIONS JUDGE, BIDAR SITTING AT BHALKI AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 03.03.2026 AND COMING ON FOR 'PRONOUNCEMENT OF JUDGMENT' THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY)

Being aggrieved by the quantum of compensation granted by the learned Addl. District and Sessions Judge and Addl. MACT, Bidar, sitting at Bhalki, (for short 'the Tribunal') as per the judgment and award dated 12.07.2019 in the petition in MVC No.113/2016, the appellant/ claimant has come up with the appeal under Section 173(1) of Motor Vehicles Act (for short 'the



MV Act'), praying for an order to allow the appeal and enhance the compensation.

2. The case of the claimant is that on 12.07.2015 he was returning home on his bicycle on the left side of the road and at about 07.30 p.m., when he came near Kalwadi, the rider of the Motorcycle bearing registration No.KA-39/J-7695 (the offending vehicle) came in a rash and negligent manner and dashed against him. Due to the said impact, the claimant sustained grievous injuries to his hands, legs, chest, forehead, left leg below knee and also compound fracture to mid shaft of left radius with displacement. Immediately, he was shifted to Government Hospital, Bhalki and thereafter, he was admitted to Shree Gajanan Hospital, Bidar, wherein he was treated as inpatient for 2 to 3 days. The claimant was aged about 36 years and he was hale and healthy and earning of Rs.500/- per day i.e., Rs.15,000/- per month. Due to the injuries sustained in the accident, he has suffered permanent disability and he is unable to earn any income. The respondent No.1 is owner/offending vehicle and the respondent No.2 is insurer of the offending vehicle. The insurance policy was valid as on the date of accident. Hence, the claimant sought for allowing the petition.



3. The respondents No.1 and 2 appeared through their respective counsel and filed separate written statements denying the petition averments regarding the accident and also regarding age, income and nature of the injuries suffered by the claimant as false. The respondent No.1 contended that there was no negligence on the part of the rider of Motorcycle. It is further submitted that the said vehicle was insured with the respondent No.2 and therefore, the respondent No.2 is liable to pay the compensation.

4. The respondent No.2 denied the petition averments and it is contended that the rider of the Motorcycle did not possess valid and effective driving license as on the date of accident and there was violation of the policy conditions. Therefore, the petition is liable to be dismissed against the respondent No.2.

5. On the basis of the pleadings of the parties, the Tribunal framed the issues and thereafter, recorded the evidence. The claimant, in order to prove the case, got examined himself as PW-1 and he also examined the Doctor as PW2. The claimant produced and got marked documents at Exs.P1 to P15. On the



other hand, respondents did not adduce any oral evidence or produce any documents.

6. After hearing the arguments of both the parties and considering the evidence on record, the Tribunal holding that the accident occurred due to rash and negligent riding of the rider of the offending Motorcycle, allowed the petition in part and awarded compensation of Rs.2,56,500/- with interest at the rate of 6% per annum. The respondents No.1 and 2 are jointly and severally liable to pay the compensation.

7. Being aggrieved by the quantum of compensation, the claimant has come up with the present appeal.

8. The contention of the learned counsel for the claimant is that the Tribunal has committed an error in awarding the compensation of Rs.2,56,500/- as against the reasonable claim of Rs.11,30,000/-. It is further contended that the claimant suffered grievous injuries and the compensation awarded by the Tribunal is inadequate and it requires enhancement.

9. As per the evidence of the doctor, the appellant has suffered permanent disability at 22% to the whole body. But the Tribunal has considered at 10%. Further, the claimant was



earning Rs.15,000/- per month working as driver, but the Tribunal has taken the income of the claimant at Rs.8,000/- only. The compensation awarded by the Tribunal under other heads is just and reasonable. Therefore, the learned counsel for the claimant has sought for modifying the impugned judgment and award by enhancing the compensation.

10. On the other hand, the learned counsel for the respondent No.2 has submitted that the Tribunal awarded just and reasonable compensation under the impugned judgment and award. The impugned judgment does not require any modification by enhancing the compensation and hence, he has sought for dismissal of the appeal.

11. It would be worth to note that the respondent No.2 has not challenged the impugned judgment and award. Therefore, the findings of the Tribunal that the accident occurred due to rash and negligent riding of the offending Motorcycle by its rider stands not disputed.

12. Moreover, as per the evidence of the claimant and the wound certificate at Ex.P7, the claimant suffered injuries, which are grievous in nature. As per the discharge slip at Ex.P13 and receipts at Ex.P14, the claimant was treated as inpatient for 2



days at Shree Gajanan Hospital from 13.07.2015 to 14.07.2015. Hence, considering the nature of the injuries and treatment taken by the claimant, the compensation of Rs.80,000/- is awarded under the head of 'pain and suffering'.

13. Even though the claimant has contended that he was working as Auto rickshaw driver and earning Rs.15,000/- per month, there is absolutely no independent oral and documentary evidence on record to substantiate the same. The accident occurred in the year 2015 and hence, the Tribunal has rightly considered the notional income of the deceased at Rs.8,000/-.

14. As per the evidence of PW2 Doctor, the claimant suffered permanent disability at 22% to the whole body. But the Tribunal has taken into consideration to the whole body disability at 12%. The claimant was aged 36 years. Hence, as per the judgment of the Hon'ble Apex Court in the case of **Sarla Verma and Others vs. Delhi Transport Corporation and Another** reported in **(2009) 6 SCC 121**, multiplier applicable to the case on hand would be '15'. Accordingly, the compensation payable to the claimant under the head of 'Loss of Future Earnings' would be 12% of Rs.8,000/- x 12 x 15, which amounts to **Rs.1,72,800/-**.



15. Further, the claimant is entitled for compensation of Rs.24,000/- (Rs.8000/-x3 months) under the head of 'loss of income during laid up period'. Moreover, the PW2 – the Doctor who examined the claimant for assessing the disability of the claimant has stated that the claimant would require treatment for removal of the implants in the left radius and the same would be requires Rs.15,000/- to Rs.20,000/-. There is no reason to disbelieve the said evidence. Consequently, the compensation of Rs.20,000/- is to be awarded under the head of 'expenses for future medical treatment', which shall not carry any interest. The compensation granted under other heads stands intact.

16. Thus, the claimant is entitled to the following compensation:

Compensation under different Heads	Amount in (Rs.)
Loss of future earnings	1,72,800/-
Pain and suffering	80,000/-
Medical expenses	16,500/-
Conveyance and attendant charges	15,000/-
Food and nourishment	15,000/-
Loss of laid up period	24,000/-



Expenses of Future medical treatment	20,000/-
Total	3,43,300/-

17. Hence, the claimant is entitled to enhanced compensation of Rs.86,800/- with interest at 6% p.a. on the amount of Rs.66,800/- from the date of petition till realization, as the compensation amount of Rs.20,000/- granted under the head does not carry any interest. The respondent No.1 being the owner/ insured and the respondent No.2 being the insurer are jointly and severally liable to pay the compensation. The respondent No.2 is vicariously liable to pay the compensation.

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

ORDER

- a. The appeal is **allowed in part**.
- b. The judgment of the Tribunal is modified.
- c. The claimant is entitled to an enhanced compensation of **Rs.86,800/-**, in addition to the compensation of Rs.2,56,500/- awarded by the Tribunal.



- d. The claimant is entitled to interest at 6% p.a. on the amount of Rs.66,800/- from the date of petition till realization. The claimant is not entitled for interest on the amount of Rs.20,000/- granted under the head expenses towards future medical treatment.
- e. The respondent No.2/ Insurance Company is directed to enhance compensation amount along with interest at 6% p.a. on the amount of Rs.66,800/- from the date of filing of the petition till the date of realization, within one month from the date of receipt of copy of this judgment.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

AMM
List No.: 1 Sl No.: 60
CT: SB