



NC: 2026:KHC-K:1056
MFA No. 201048 of 2022
C/W MFA No. 200875 of 2022
MFA No. 201019 of 2022
AND 3 OTHERS

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201048 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO.200875 OF 2022 (MV-I)

MISCL. FIRST APPEAL NO.201019 OF 2022 (MV-I)

MISCL. FIRST APPEAL NO.201024 OF 2022 (MV-I)

MISCL. FIRST APPEAL NO.201063 OF 2022 (MV-I)

MISCL. FIRST APPEAL NO.201677 OF 2022 (MV-D)

IN MFA No.201048/2022:

BETWEEN:

KHAZASAB S/O ABDULSAB SATAREKAR,
AGE: 55 YEARS, OCC: CENTERING WORK,
R/O. DURGA CROSS, SOLAPUR ROAD,
VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING, 3RD FLOOR,
GATE NO.4, KAMALA MILLS COMPLEX,
PANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400013
STATE MAHARSHTRA.



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2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SANGAMA BUILDING
S.S. FRONT ROAD, VIJAYAPURA-586 101.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD.22.08.2022, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO ALLOW THIS APPEAL AND
ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM
PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED
23.01.2020 PASSED BY THE COURT OF IV ADDITIONAL
DISTRICT AND SESSIONS JUDGE AND MACT-XIII, AT
VIJAYAPURA IN MVC NO.90/2016.

IN MFA NO.200875/2022:

BETWEEN:

GURAPPA S/O CHANDRAM METRI,
AGE: 54 YEARS, OCC: AGRICULTURE
R/O BARUR, TQ.SOUTH SOLAPUR,
DIST. SOLAPUR-413 008.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S. NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING, 3RD FLOOR,
GATE NO.4, KAMALA MILLS COMPLEX,
PANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400013
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1ST FLOOR, SANGAMA BUILDING,



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ADDITIONAL DISTRICT JUDGE AND MEMBER, MACT-XIII AT
VIJAYAPURA, IN M.V.C NO.92/2016.

IN MFA NO.201019/2022:

BETWEEN:

PUTALABAI W/O LAXMAN HOSAMANI,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O. ALIYABAD,
TQ. AND DIST. VIJAYAPURA-586 127.

...APPELLANT

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING, 3RD FLOOR,
GATE NO.4, KAMALA MILLS COMPLEX,
PANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400 013.
STATE MAHARSHTRA.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SANGAMA BUILDING,
S.S. FRONT ROAD,
VIJAYAPURA-586 101.

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IN MFA NO.201024/2022:

BETWEEN:

NAGAMMA
W/O GOURISHANKAR PIMPALKAR,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O. BOMMANALLI, TQ. MUDDEBIHAL,
DIST.VIJAYAPURA-586 214.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING, 3RD FLOOR,
GATE NO.4, KAALA MILLS COMPLEX,
PANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400 013.
STATE MAHARASHTRA.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SANAMA BUILDING,
S.S.FRONT ROAD, VIJAYAPURA-586 101.

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AND ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED 23.01.2020 PASSED BY THE COURT OF IV ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, MACT-XIII AT VIJAYAPURA, IN M.V.C NO.88/2016.

IN MFA NO.201063/2022:

BETWEEN:

MUNERABEGUM
W/O USMANASAB MALKHED,
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O. DEVAR-HIPPARAGI,
TQ. SINDAGI, DIST. VIJAYAPURA-586 115.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING, 3RD FLOOR,
GATE NO.4, KAMALA MILLS COMPLEX,
PANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400,013
STATE MAHARSHTRA.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SANGAMA BUILDING,
S.S.FRONT ROAD,VIJAYAPURA-586 101.

...RESPONDENTS

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IN MFA NO.201677/2022:

BETWEEN:

1. MUNERABEGUM W/O USMANSAB MALKHED,
AGE: 61 YEARS, OCC: NIL.
2. SAYYED S/O USMANSAB MALKHED,
AGE: 38 YEARS, OCC: AGRICULTURE.
3. BANDENAWAZ S/O USMANSAB MALKHED,
AGE: 36 YEARS, OCC: AGRICULTURE.
4. ABDUL RAZZAK S/O USMANSAB MALKHED,
AGE: 34 YEARS, OCC: NIL.
5. ASHFAQ W/O USMANSAB MALKHED,
AGE: 32 YEARS, OCC: NIL,

ALL ARE R/O DEVAR-HIPPARAGI,
TQ. SINDAGI,
DIST. VIJAYAPURA-586 115.

...APPELLANTS

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. M/S NYK AUTO LOGISTICS (INDIA) LIMITED,
TRADE VIEW BUILDING,
3RD FLOOR, GATE NO.4,
KAMALA MILLS COMPLEX, P
ANDURANG BUDHAKAR MARG,
LOWER PAREL, MUMBAI-400 013,
STATE MAHARASHTRA.



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UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SANGAMA BUILDING,
S.S. FRONT ROAD, VIJAYAPURA-586 101.

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ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT-
XIII, VIJAYAPURA IN MVC NO.87/2016.

THESE APPEALS 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. These appeals are arising out of the judgment
and award dated 23.01.2020 in MVC Nos.88/2016,
89/2016, 90/2016, 91/2016, 92/2016 and 87/2016, on
the file of the learned Member, Motor Accident Claims
Tribunal No.XIII and IV Additional District Judge at



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Vijayapur (hereinafter referred to as 'Tribunal'), awarding compensation.

3. Having taken note of the submission made by the learned counsel for the parties, these appeals are filed seeking enhancement of compensation.

4. In MVC No.87/2016 (MFA No.201677/2022), the deceased was aged about 58 years and taking into account the monthly salary of the deceased at Rs.8,000/- as per the guidelines issued by the Karnataka State Legal Services Authority and as per the judgment of the Hon'ble Supreme Court in the case ***Sarla Verma Vs. Delhi Transport Corporation***, reported in ***(2009) 6 SCC 121***, the appropriate multiplier applicable is 9 and 1/4th of the income has to be deducted towards personal expenses of the deceased. As per the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi***, reported in ***(2017) 16 SCC 680***, 10% of the income has to be added towards



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future prospects. Hence, the claimant is entitled for compensation of Rs.7,12,800/- (Rs.8,000+10%= Rs.8,800x12x9x1/4th) towards loss of dependency.

5. There are five dependants and accordingly Rs.2,00,000/- (Rs.40,000x5) is awarded towards loss of consortium. Rs.15,000/- each is awarded towards loss of estate and funeral expenses. Accordingly the claimants are entitled for total compensation as under:

Heads	Amount
Loss of dependency	Rs.7,12,800/-
Loss of love and affection	Rs.2,00,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.9,42,800/-
Less: awarded by Tribunal	Rs.7,22,500/-
Enhancement	Rs.2,20,300/-

Thus, the claimants are entitled for enhanced compensation of **Rs.2,20,300/-** with interest at the rate of 6% per annum

6. In MVC No.88/2016 (MFA No.201024/2022), after considering the material on record and by looking



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into the injuries sustained by the claimant, the award of compensation is reassessed as follows:

Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of earnings during laid up period (Rs.8,000x3)	Rs.24,000/-
Loss of amenities	Rs.50,000/-
Towards food and nourishment	Rs.20,000/-
Towards attendant charges	Rs.20,000/-
Medical expenses	Rs.43,810/-
Total	Rs.2,07,810/-
Less: awarded by Tribunal	Rs.1,24,810/-
Enhancement	Rs.83,000/-

Thus, the clamant is entitled for enhanced compensation of **Rs.83,000/-** with interest at the rate of 6% per annum.

7. In MVC No.89/2016 (MFA No.201019/2022, taking into consideration the injuries sustained by the claimant, global compensation of Rs.40,000/- is awarded with interest at the rate of 6% per annum from date of claim petition till realization.

8. In MVC No.90/2016 (MFA No.201048/2022), considering the injuries sustained by the claimant as per



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Ex.P15, the award of compensation is reassessed as under:

Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of earnings during laid up period (Rs.8,000x3)	Rs.24,000/-
Towards food and nourishment	Rs.20,000/-
Towards attendant charges	Rs.20,000/-
Medical expenses	Rs.4,575/-
Total	Rs.1,18,575/-
Less: awarded by Tribunal	Rs.27,575/-
Enhancement	Rs.91,000/-

Thus, the clamant is entitled for enhanced compensation of **Rs.91,000/-** with interest at the rate of 6% per annum.

9. In MVC No.92/2016 (MFA No.200875/2022), the compensation is reassessed by awarding global compensation of R.50,000/-, with interest at the rate of 6% per annum from the date of claim petition till realization.

10. In MVC No.91/2016 (MFA No.201063/2022), after considering the material on record, by taking into consideration the evidence of the treating doctor, the



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disability is taken at 5% and accordingly, the award of compensation is reassessed as under:

Heads	Amount
Pain and suffering	Rs.60,000/-
Loss of earnings during laid up period (Rs.8,000x3)	Rs.24,000/-
Loss of amenities	Rs.20,000/-
Loss of future of earnings (Rs.8,000x12x11x5%)	Rs.52,800/-
Towards food and nourishment	Rs.15,000/-
Towards attendant charges	Rs.20,000/-
Total	Rs.1,91,800/-
Less: awarded by Tribunal	Rs.1,25,967/-
Enhancement	Rs.65,833/-

Thus, the clamant is entitled for enhanced compensation of **Rs.65,833/-** rounded of to **Rs.65,900/-** with interest at the rate of 6% per annum.

11. In the result, I pass the following:

ORDER

- I. All the appeals are allowed in part.
- II. The appellants in MFA No.201677/2022 - claimants in MVC N.87/2016 are entitled for enhanced compensation of **Rs.2,20,300/-** with interest at the rate of 6% per annum from the date of petition till realization.



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- III. The appellant in MFA No.201024/2022 - claimant in MVC N.88/2016 is entitled for enhanced compensation of **Rs.83,000/-** with interest at the rate of 6% per annum from the date of petition till realization.
- IV. The appellant in MFA No.201019/2022 - claimant in MVC N.89/2016 is entitled for global compensation of **Rs.40,000/-** in addition to the compensation awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization.
- V. The appellant in MFA No.201048/2022 - claimant in MVC N.90/2016 is entitled for enhanced compensation of **Rs.91,000/-** with interest at the rate of 6% per annum from the date of petition till realization.
- VI. The appellant in MFA No.200875/2022 - claimant in MVC N.92/2016 is entitled for global compensation of **Rs.50,000/-** in addition to the compensation awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization.



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VII. The appellant in MFA No.201063/2022 - claimant in MVC N.91/2016 is entitled for enhanced compensation of **Rs.65,900/-** with interest at the rate of 6% per annum from the date of petition till realization.

VIII. Respondent No.2 - Insurance Company is directed to deposit the compensation amount within six weeks from the date of receipt of certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 35
CT:PK