



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO. 200959 OF 2023 (MV-I)

BETWEEN:

SMT. SANGEETA,
W/O. RAMESH RATHOD,
AGE 26 YEARS, OCC. HOUSEHOLD AND TAILORING
R/O. GUNDALLI TANDA, TQ. SHAHAPUR,
DIST. YADAGIRI-585223.

...APPELLANT

(BY SRI. BHEEMARAYA M N,ADVOCATE)

AND:

1. GOVIND,
S/O. BHAGAPPA CHAVAN,
AGE 43 YEARS, OCC. BUSINESS AND AGRICULTURE
R/O. GUNDALLI TANDA, TQ. SHAHAPUR,
DIST. YADGIRI-585223.

2. THE DIVISIONAL MANAGER,
THE SHRIRAM GENERAL INSURANCE CO. LTD.,
V.A. KALABURAGI MANSION DESHAPNDE NAGAR,
DESAI CROSS, HUBBALLI,
DHARWAD DISTRICT-580009.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADV. FOR R2;
V/O. DATED 30.06.2023, NOTICE TO R1 IS D/W)

Digitally signed
by PADMA SHREE
SHEKHAR DESAI

Location: High
Court Of
Karnataka



THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO A) CALL FOR THE RECORDS.B) TO MODIFY THE IMPUGNED JUDGMENT AND AWARD 12.10.2021 PASSED IN MVC NO. 124/2019 ON THE FILE OF THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AND ADDL. MOTOR ACCIDENT CLAIMS TRIBUNAL NO. 4 SHAHAPUR. AND ALLOW THIS APPEAL TO GRANT THE COMPENSATION AMOUNT BY RS. 14,23,000/- ONLY AS CLAIMED BY THE APPELLANT BEFORE THIS HON'BLE COURT IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. Heard the arguments of learned counsels from both sides.

2. This appeal is preferred by the claimant against the Judgment and award dated 12.10.2021 passed in MVC No.124/2019 by the Senior Civil Judge and JMFC and Additional MACT-4, Shahapur, (for short 'the tribunal').

3. The claimant sustained injuries in the road traffic accident and taken treatment in the hospital. The claimant was 23 years as on the date of the accident. She filed a claim petition before the tribunal seeking compensation of



Rs.19,00,000/-. The tribunal after considering the entire evidence on record, has awarded a sum of Rs.4,62,000/- along with interest at the rate of 6% per annum from the date of petition till realization. Aggrieved by the said Judgment and award, the claimant has preferred the present appeal seeking enhancement of the compensation.

4. In the appeal, it is mainly contended that, she examined P.W.2 the Doctor and the Doctor has assessed the disability at 60% to the right lower limb, but the tribunal has erred in taking 15%. The amounts granted under the other heads are meager and requested for enhancement.

5. Though petitioner stated that, she was earning Rs.10,000/- per month, she has not produced any income proof. She met with the accident on 10.05.2018. As per the guidelines of the Karnataka State Legal Services Authority, her income has to be taken at Rs.11,750/- per month for the year 2018. As per the evidence of P.W.2, she has sustained fracture of proximal 3rd tibia and fibula. The tribunal has considered 15% towards physical disability towards whole



body and this Court finds no reasons to interfere in the same. So the loss of future income comes to:

$$\text{Rs.11,750/-} \times 12 \times 18 \times 15\% = \text{Rs.3,80,700/-}$$

6. The compensation granted by the tribunal under other heads are meager. Hence, this Court finds it reasonable to award a sum of Rs.50,000/- under the head of pain and sufferings, Rs.30,000/- under the head of special diet, conveyance and attendant charges, Rs.60,000/- under the head of medical expenses, Rs.50,000/- under the head of loss of amenities and a sum of Rs.35,250/- (Rs.11,750/- X 3 months) under the head of loss of income during laid up period and a sum of Rs.15,000/- for future medical expenses. Hence, the total compensation would be as under:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.3,80,700/-
2	Pain and sufferings	Rs.50,000/-
3	Attendant, conveyance charges and special food	Rs.30,000/-
4	Medical expenses	Rs.60,000/-
5	Loss of amenities	Rs.50,000/-
6	Loss of income during laid up period	Rs.35,250/-
7	Future medical expenses	Rs.20,000/-
	Total	Rs.6,25,950/-



7. Learned counsel for the Insurance company submits that, the compensation amount granted by the tribunal is deposited along with interest.

8. Hence, the following order:

ORDER

- (i) The appeal is allowed in part;
- (ii) The claimant is entitle to total compensation of Rs.6,25,950/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;
- (iii) The respondent No.2-Insurance company is directed to deposit the enhanced compensation of Rs.1,48,950/- along with interest at the rate of 6% per annum within one month from the date of this order;
- (iv) On such deposit, the claimant is entitle to withdraw the compensation amount along with accrued interest thereon;
- (v) Respondent No.2-Insurance Company is at liberty to recover the same from respondent No.1-owner of the vehicle by due process of law.

Sd/-
(P SREE SUDHA)
JUDGE

SVH/ List No.: 1 Sl No.: 64
CT:RJ

Retyped & replaced vide Court order dated 19.12.2025.