



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.200985 OF 2022 (MV-I)

BETWEEN:

PASHAMIYAN S/O CHANDSAB MASULDAR,
AGED ABOUT 56 YEARS,
OCC: AGRI., GARMENTS SHOP BUSINESS,
REAL ESTATE BUSINESS AND PRESIDENT OF
KNOWLEDGE PARK SCHOOL, NOW NIL,
R/O OLD KHB COLONY, NEAR UMAR MASJID,
HARALAYYA CHOWK, BASAVAKALYAN,
DIST. BIDAR.

...APPELLANT

(BY SRI SANJEEVKUMAR C. PATIL, ADVOCATE)

AND:

1. MULLA RABBANI S/O GAFUR,
AGE: MAJOR, OCC: BUSINESS AND OWNER
OF SUMO GRANDE CAR NO.MH-24/V-7801,
R/O MIRGANHALLI, POST KASAR BALKUNDA,
TQ. NILANAGA, DIST. LATUR-413 510,
MAHARASHTRA.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
DR. JAWALI COMPLEX, SUPER MARKET,
KALABURAGI-585 101.

...RESPONDENTS

(BY SRI SANJAY M. JOSHI, ADVOCATE FOR R2;
V/O DTD. 02.06.2022, NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 13.08.2020 PASSED BY THE SENIOR CIVIL JUDGE AND ADDL. MACT, BASAVAKAYAN IN MVC NO.663/2016 BY ENHANCING 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, challenging the judgment and award dated 13.08.2020 in MVC No.663/2016, on the file of the Senior Civil Judge and Additional MACT, Basavakalyan (hereinafter referred to as 'Tribunal').

3. Having taken note of the submission made by the learned counsel appearing for the parties, it is not in dispute that, the claimant has sustained injuries on account of the accident occurred on 21.05.2016. The claimant has examined the treating doctor as PW.2, as to



assess the disability. By looking into the nature of injuries and the evidence of PW.2, I am of the view that, the Tribunal ought to have taken the disability to the extent of 25% to the whole body. The accident is of the year 2016 and therefore, monthly income of the claimant would be Rs.8,750/- as per the guidelines issued by the Karnataka State Legal Services Authority. By applying the appropriate multiplier of 11, the claimant is entitled for Rs.2,88,750/- (Rs.8,750x12x11x25%) towards loss of future income.

4. By looking into the nature of injuries and the evidence of PW.2, the award of compensation by the Tribunal is reassessed as follows:

Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of earnings during laid up period (Rs.8,750x6)	Rs.52,500/-
Loss of amenities	Rs.50,000/-
Loss of future of earnings	Rs.2,88,750/-
Towards food and nourishment	Rs.20,000/-
Medical expenses	Rs.3,72,200/-
Total	Rs.8,33,450/-
Less: awarded by Tribunal	Rs.6,36,920/-
Enhancement	Rs.1,96,530/-



Thus, the clamant is entitled for enhanced compensation of **Rs.1,96,530/-** with interest at the rate of 6% per annum.

5. In the result, I pass the following:

ORDER

- I. The appeal is allowed in part.
- II. The appellant/claimant is entitled for enhanced compensation of **Rs.1,96,530/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.
- III. 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.



NC: 2026:KHC-K:1849
MFA No. 200985 of 2022

Learned counsel Sri Sanjay M. Joshi is granted four weeks time to file power on behalf of respondent No.2 - Insurance Company.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 SI No.: 0
CT:PK