



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISC. FIRST APPEAL NO.201407 OF 2024 (MV-I)

C/W

MISC. FIRST APPEAL NO.204065 OF 2024 (MV-I)

IN MFA NO.201407/2024:

BETWEEN:

PRITHIVIRAJ S/O SANGMESH @ SANGMESHWAR,
AGE: 20 YEARS, OCC: STUDENT,
R/O: KARKYAL, TQ. AURAD-B,
DIST. BIDAR-584101.

...APPELLANT

(BY SRI. BABU H. METAGUDDA, ADVOCATE)

AND:

1. ASHOK RAO S/O NAMDEVRAO,
AGE: MAJOR, OCC: BUSINESS,
R/O: H.NO.241 HAKARANA,
TQ. AURAD-B, DIST. BIDAR-584101.
(OWNER OF LORRY NO.KA-32/A-3648).
2. THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
E8 EPIP SITAPUR INDUSTRIAL AREA, JAIPUR
RAJASTHAN-22.



3. MR. BAJIRAO PATIL S/O YADHAVRAO PATIL,
AGE: MAJOR, OCC: BUSINESS,
R/O: VILLAGE MUSTAPUR,
TQ. AURAD-B, DIST. BIDAR-584101.
4. THE MANAGER,
FUTURE GENERAL INDIA INSURANCE CO. LTD.,
2ND FLOOR, KALABURGI LAND MARK,
OPP: T. S. GIRLS HIGH SCHOOL DESHPANDE NAGAR
HUBLI-29.

...RESPONDENTS

(BY SMT. SANGEETA BHADRASHETTY, ADVOCATE FOR R2;
SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R4;
V/O DATED 27.10.2025 NOTICE TO R1 & R3 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT,
PRAYING TO CALL FOR THE RECORDS IN M.V.C.NO.332/2016 ON
THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AND MACT AT-
AURAD. B) ALLOW THIS APPEAL AND MODIFY THE JUDGMENT AND
AWARD DATED 29-03-2023 PASSED IN M.V.C.NO.332/2016 BY THE
SENIOR CIVIL JUDGE AND JMFC AND MACT AT-AURAD AND
ENHANCING THE COMPENSATION FROM Rs.11,12,500/- WITH 9%
INTEREST TO Rs.1,00,00,000/- WITH 12 % INTEREST AND ETC.,

IN MFA NO.204065/2024:

BETWEEN:

THE MANAGER,
SHRIRAM GENERAL INSURANCE COMPANY LIMITED,
E-8, EPIP, SITAPURA INDUSTRIAL AREA,
JAIPUR, RAJASTAN 22, NOW REPRESENTED
BY ITS AUTHORIZED SIGNATORY,
REGIONAL OFFICE, BENGALORE-560076.

...APPELLANT

(BY SMT. BHADRASHETTY SANGEETA, ADVOCATE)



AND:

1. PRATHIVIRAJ S/O SANGMESH @ SANGMESHWAR,
AGE: 19 YEARS, OCC: NOT KNOWN,
R/O KARKYAL, TQ. AURAD-B,
DIST. BIDAR-585 443.
2. ASHOK RAO S/O NAMDEVRAO,
AGE: MAJOR, OCC: BUSINESS,
R/O: H.NO.241, HOKARANA,
TQ. AURAD-B, DIST. BIDAR,
(OWNER OF LORRY NO.KA-32/A-3648)-585326.
3. MR. BAJIRAO PATIL S/O YADHARRAO PATIL,
AGE: MAJOR, OCC: BUSINESS,
R/O: MUSTAPUR VILLAGE,
TQ. AURAD-B, DIST. BIDAR
(OWNER OF TRACTOR NO.KA-38/T-2232)-585 326
4. THE MANAGER,
FUTURE GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, KALBURGI LAND MARK,
OPP: T.S.GIRLS HIGH SCHOOL,
DESHPANDE NAGAR, HUBLI,
TQ. HUBLI, DIST. DHARWAD-580029.

...RESPONDENTS

(BY SRI. BABU H. METAGUDDA, ADVOCATE FOR R1;
SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R4;
V/O DATED 26.03.2026 NOTICE TO R2 DISPENSED WITH;
R-3 IS SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF M.V. ACT,
PRAYING TO CALL FOR THE RECORDS IN MVC.NO.332/2016,
DATED 29.03.2023, PASSED BY THE SENIOR CIVIL JUDGE AND
JMFC AND MOTOR ACCIDENT CLAIMS TRIBUNAL AURAD. B)
ALLOW THIS APPEAL BY MODIFYING THE IMPUGNED JUDGMENT
AND AWARD PASSED BY THE SENIOR CIVIL JUDGE AND JMFC
AND MOTOR ACCIDENT CLAIMS TRIBUNAL, AURAD, IN
MVC.NO.332/2016 DATED 29.03.2023 IN THE INTEREST OF
JUSTICE AND EQUITY.

THESE APPEALS, COMING ON FOR FURTHER ORDERS,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

These appeals arise out of the award passed by the Motor Accident Claims Tribunal, Aurad in MVC.No.332/2016 dated 29.03.2023.

2. MFA.201407/2024 is filed by the claimant seeking enhancement in compensation. MFA.No.204065/2024 is filed by one of the insurers of the one of the offending vehicles involved in the accident raising a contention that the amount awarded as compensation by the Tribunal is excessive and exorbitant.

3. Heard Sri. Babu H. Metagudda, learned counsel who represents the claimant, Smt. Sangeeta Bhadrashetty, learned counsel for the appellant in MFA.No.204065/2024 as well as Smt. Preeti Patil Melkundi, the learned counsel who represents respondent No.4 in both the appeals.



4. The manner of happening of accident as projected by the claimant before the Tribunal is that on 15.05.2015 while himself along with his relatives and others was returning from Bidar to Karkyal in a Mahindra Max Mini Van bearing Reg.No.KA-38-M-3319 and while the driver of the said van was driving the vehicle with due caution and in a normal speed and when the said van reached near Boral cross of Ambedkar Chowk on Bidar - Aurad road around 04.00 p.m., one lorry bearing Reg.No.KA-32-A-3648 which was being driven by its driver at a high speed and in a rash and negligent manner approached their van from behind and dashed the van with force, at the same time one Tractor bearing Reg.No.KA-38-T-2232 came from opposite direction driven by its driver at a high speed and in a rash and negligent manner and dashed against the van. Due to the said accident he sustained grievous injuries and three persons died on the spot.



5. The appellants in both the appeals argued at length only in respect of the amount that is awarded as compensation. While the learned counsel who represents the claimant contends that the compensation granted is grossly low, learned counsel who represents the insurance company who is the appellant in the connected appeal submits that the compensation granted is highly exorbitant.

6. There is no dispute about the fact that the claimant took treatment as inpatient at Sai Krishna Super Specialty Hospital, Hyderabad from 15.05.2015 to 26.05.2015 and thereafter took treatment at Life Care Hospital and Research Center, Udgir Latur District. The evidence of PW.2 and the contents of Ex.P.346 disability certificate go to show that the claimant suffers with 52% disability to the whole body. As per the evidence produced, the traumatic brain injury coupled with other injuries resulted in such disability. As per the contents of Ex.P.337 disability certificate issued by the Department of



Empowerment of Persons with Disabilities, the claimant suffers with chronic neurological disability to an extent of 50% and locomotor disability affecting left arm and left leg to 20%. As per the said document, the overall disability is 59%. The disability certificate issued by the Kothari Hospital i.e., Ex.P.346 goes to show that the disability in respect of whole body is 52%. The Tribunal took the disability in respect of whole body as 52% and therefore, under no circumstances it can be held that the said assessment is on higher side and requires modification. As per the contents of Ex.P.352 Report issued by S. P. Institute of Neurosciences, Solapur, MRI brain reveals degeneration in right cerebral peduncle of mid brain and there is mild diffused cerebral cortical atrophy. It is also observed that there is mild diffuse thickening of bony calvarium.

7. The submission is that is made by learned counsel who represents the claimant is that the claimant was aged around 10 years by the date of accident and he



lost his educational career due to the injury sustained to the brain and has become incapacitated thereby to earn and eke his livelihood. Learned counsel with a submission that compensation granted by the Tribunal is on lower side placed reliance upon the decision of the Hon'ble Apex Court in the case between **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Another** reported in **2025 LiveLaw (SC) 871**, wherein the Hon'ble Apex Court considering the case where a boy aged around 8 years sustained brain hemorrhage and there was amputation of left lower limb, took the permanent physical disability as 90%, added 40% towards future prospects, applied multiplier 18 and thereby awarded a sum of Rs.18,60,489/- towards loss of future earnings.

8. As the present case rests on the similar facts and circumstances, we are of the view that the analogy applied in the aforementioned decision is required to be applied.



9. Having regard to the fact that for settlement of claims, the Karnataka State Legal Services Authority, Kalaburagi is taking the national income as Rs.8,000/- per month, for the relevant period i.e., for the year 2015 in which year the accident occurred, we consider desirable to adopt the same figure. Thus, on taking the notional income as Rs.8,000/- per month, adding 40% towards future prospects, applying multiplier 18 and taking the disability as 52%, the compensation which the claimant is entitled to receive towards loss of future earnings is as under :-

Notional monthly income	Rs.8,000/-
Annual income	Rs.96,000/-
On adding 40% towards future prospects	Rs.1,34,400/-
On applying multiplier 18	Rs.24,19,200/-
Loss of future earning disability being 52%	12,57,984/-

10. Hence, it is clear that the claimant is entitled to a sum of Rs.12,57,984/- towards loss of future earnings on account of permanent physical disability.



11. Coming to the medical expenditure incurred and granted by the Tribunal, the submission that is made by the learned counsel for the claimant is that the Tribunal erroneously failed to take into consideration Ex.P.16 to P.19, which reveals incurring of huge amount for treatment. A perusal of those documents reveals that they are nothing but payment request slips. Thus, they cannot be taken into consideration as no other evidence is produced to show that as per the request made through those documents, claimant or his attendants, paid the said amount for treatment. The Tribunal has granted a sum of Rs.6,60,000/- towards medical expenses, which therefore, requires no interference.

12. Having considered the nature of injuries sustained and the discussion that went on supra, we are of the view that the claimant is entitled to a sum of Rs.2,00,000/- towards pain and suffering, Rs.20,000/- towards loss of the earning of the parents during laid up period of the claimant, Rs.50,000/- towards loss of amenities in life, Rs.25,000/- towards food, extra



nourishment, attendant and conveyance charges Rs.1,50,000/- towards future medical expenses and towards loss of marriage prospects of Rs.1,00,000/-. Thus, the total amount which the claimant is entitled to receive under each head is as under:-

Sl. No.	Heads of accounts	Rupees (Rs.)
1	Loss of future earnings	12,57,984/-
2	Towards medical expenses	6,60,000/-
2	Towards pain and suffering	2,00,000/-
3	Towards loss of earning of the parents during laid up period	20,000/-
4	Loss of amenities	50,000/-
5	Towards food, nourishment, attendant and conveyance charges	25,000/-
6	Towards future medical expenses	1,50,000/-
7	Towards loss of marriage prospects	1,00,000/-
	Total	24,62,984/-

13. The Tribunal has held that the claimant is entitled to a sum of Rs.11,12,500/- towards compensation. However, the discussion that went on supra makes it clear that justifiable sum which the claimant is entitled to receive towards compensation is Rs.24,62,984/-.



14. Though, learned counsel who represents the insurance company i.e., the appellant in MFA.No.204065/2024 submits that the interest awarded by the Tribunal on the amount granted i.e., 9% per annum is excessive, the decision that is referred supra rendered by Hon'ble Apex Court goes to show that the interest on the awarded amount was ordered to be paid with interest at the rate of 9% per annum. Hence, the submission made on that regard cannot be accepted. Therefore, both the appeals are disposed of with the following:-

ORDER

- I. MFA.No.201407/2024 is allowed in part.
- II. The compensation that is granted by the Motor Accident Claims Tribunal, Aurad, through orders in MVC.No.332/2016 dated 29.03.2023 is enhanced from Rs.11,12,500/- to Rs.24,62,984/-.



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- III. The enhanced sum shall carry interest at the rate of 9% per annum from the date of filing of petition till the date of deposit.
- IV. Respondents No.2 and 4 to the claim petition are directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- V. On such deposit, the claimant is permitted to withdraw the same.
- VI. The appeal in MFA.No.204065/2024 stands dismissed.
- VII. Amount if any in deposit be transmitted to the concerned Tribunal forthwith.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

KJJ
List No.: 2 Sl No.: 34
CT:SI