



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201189 OF 2022 (MV-I)
C/W

MISCL. FIRST APPEAL NO.200092 OF 2022 (MV-I)

IN MFA No.201189/2022

BETWEEN:

MOHD. ATIF HUSSAIN
S/O MOHD. ALTAF HUSSAIN,
AGE. 20 YEARS, OCC. STUDENT,
R/O H.NO.5-992/26/2A,
NEAR APSARA CANDLE WORK,
YADULLA COLONY, KALABURAGI-585104.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

THE MANAGING DIRECTOR
NEKSTC, SARIGE SADAN,
CENTRAL OFFICE OPP. KBN HOSPITAL,
STATION ROAD, KALABURAGI-585102.

...RESPONDENT

(BY SMT. SANGEETA BHADRASHETTY, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT ,PRAYING TO
MODIFY THE JUDGMENT AND AWARD PASSED BY THE II ADDL.
SENIOR CIVIL JUDGE AND MACT, KALABURAGI IN MVC





NO.979/2018, DATED 04.02.2021 BY ENHANCING THE
COMPENSATION AS PRAYED FOR, IN THE INTEREST OF
JUSTICE AND EQUITY.

IN MFA NO.200092/2022

BETWEEN:

MANAGING DIRECTOR, NEKSRTC
SARIGE SADAN, CENTRAL OFFICE,
OPP.KBN HOSPITAL,
STATION ROAD, KALABURAGI,
REPRESENTED BY ITS
CHIEF LAW OFFICER,
NEKRTC, CENTRAL OFFICE,
SARIGE SADANA,
KALABURAGI PIN CODE 585102.

...APPELLANT

(BY SMT. SANGEETA BHADRASHETTY, ADVOCATE)

AND:

MOHD. ATIF HUSSAIN
S/O MOHD. ALTAF HUSSAIN,
AGE 19 YEARS, OCC.STUDENT,
R/O H.NO.5-992/26/2A,
NEAR APSARA CANDLE WORK,
YADULLA COLONY,
KALABURAGI PIN CODE 585104.

...RESPONDENT

(BY SRI SANJEEV PATIL, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING
TO ALLOW THIS APPEAL BY SETTING ASIDE THE
IMPUGNED JUDGMENT AND AWARD IN MVC NO. 979/2018,
DATED 04.02.2021, BY THE II ADDL. SENIOR CIVIL JUDGE



AND MOTOR ACCIDENT CLAIMS TRIBUNAL, KALABURAGI.

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. MFA No.201189/2022 connected with MFA No.200092/2022 are filed against the judgment and award dated 04.02.2021 in MVC No.979/2018, on the file of II Additional Senior Civil Judge and MACT, Kalaburagi (hereinafter referred to as 'Tribunal'), awarding compensation.

3. The relevant facts for adjudication of these appeals are that, the claimant is minor and was riding the motorcycle bearing registration No.K8-32/X-0254 from Kalaburagi to Malagatti village and when the said motorcycle reached near Al-Khamar College cross, the bus belonging to the respondent - Corporation bearing



registration No.KA-32/F-2187, dashed to the motorcycle from opposite direction. As a result of the same, the claimant has sustained grievous injuries. Hence, the claimant has filed MVC No.979/2018, seeking compensation.

4. The claim petition was contested by the respondent - Corporation. The Tribunal after considering the material on record, by its judgment and award dated 04.02.2021, awarded compensation of Rs.3,62,800/- with interest at the rate of 6% per annum from the date of claim petition till realization. Feeling aggrieved by the award of compensation as meager, the claimant has preferred MFA No.201189/2022 and on the other hand, the respondent - Corporation has filed MFA No.200092/2022, challenging liability to pay the compensation.

5. Smt. Sangeeta Bhadrashetty, the learned counsel appearing for the appellant - Corporation has invited the attention of the Court to the sketch produced



at Ex.P4 and submitted that, the rider of the motorcycle has contributed towards the alleged accident and therefore, she sought for interference of this Court.

6. *Per contra*, Sri Sanjeev Patil, the learned counsel appearing for the appellant/claimant sought for enhancement of compensation and also countered the arguments advanced by the learned counsel representing the respondent – Corporation as to the liability.

7. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 18.06.2018, during which the claimant was the rider of the motorcycle, which has been dashed by the bus belonging to the respondent - Corporation from the opposite side. By looking into the sketch produced at Ex.P4 as well as the police records, wherein, the driver of the bus has been charge sheeted for the alleged accident and in that view of the matter, the contention raised by the learned counsel



for the respondent - Corporation cannot be accepted, as to the liability is concerned.

8. Insofar as award of compensation is concerned, since the claimant is a minor at the time of the alleged accident, the award of compensation has to be reassessed in terms of the judgment of the Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Another** reported in **2025 LiveLaw (SC) 871**. By looking into the nature of injuries and the evidence of PW.2, the disability suffered by the claimant is to be assessed at 20%. The accident is of the year 2018, as per the guidelines issued by the Karnataka State Legal Services Authority, monthly income of the claimant would be Rs.11,750/- and the appropriate multiplier applicable would be 18. Accordingly, the claimant is entitled for Rs.5,07,600/- (Rs.11,750x12x20%x18) towards loss of future income.



9. By looking into the nature of injuries sustained by the claimant, the award of compensation as to other heads is reassessed as follows:

Heads	Amount
Pain and suffering	Rs.1,00,000/-
Loss of amenities	Rs.50,000/-
Loss of future of earnings	Rs.5,07,600/-
Towards food, nourishment and conveyance charges	Rs.20,000/-
Towards conveyance charges	Rs.20,000/-
Medical expenses	Rs.1,18,000/-
Total	Rs.8,15,600/-
Less: awarded by Tribunal	Rs.3,62,800/-
Enhancement	Rs.4,52,800/-

Thus, the clamant is entitled for enhanced compensation of **Rs.4,52,800/-** with interest at the rate of 6% per annum.

10. In the result, I pass the following:

ORDER

I. The appeal filed by the appellant/claimant in MFA No.201189/2022 is allowed in part.



II. The appeal filed by the appellant – Corporation
in MFA No.200092/2022 is dismissed.

III. The appellant/claimant is entitled for enhanced
compensation of **Rs.4,52,800/-** with interest at
the rate of 6% per annum from the date of
petition till the date of realization.

IV. The appellant – Corporation is directed to
deposit the compensation amount within six
weeks from the date of receipt of certified copy
of this judgment.

V. The amount in deposit, if any, be transmitted to
the Tribunal.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 20
CT-PK