



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.201976 OF 2022 (MV-I)

BETWEEN:

DAMU @ DAMODAR
S/O ANNA @ ANNAPPA,
AGE: 51 YEARS,
OCC: AGIRCULTURE & MILK VENDOR,
R/O INDI ROAD, VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. DADASAHEB BALABHIM BHOSLE,
AGE: 46 YEARS, OCC: BUSINESS,
R/O A/P. 134 PATIL CHOW TUNGAT,
TQ. PANDRAPUR, DIST. SOLAPUR,
MAHARASTRA STATE-416 115.
2. THE BRANCH MANAGER,
THE BAJAJ ALLANZ GENERAL INSURANCE CO. LTD.,
2ND FLOOR, HASHAMI MANJIL,
MADIVAL ARKED CLUB ROAD,
BELAGAVI-587 101.

...RESPONDENTS

(BY SRI. SUBHASH MALLAPUR, ADVOCATE FOR R2;
V/O DTD. 20.06.2023, NOTICE TO R1 DISPENSED WITH)





THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED IN MVC NO.1237/2016 DATED 22.06.2021 BY THE IV ADDL. DISTRICT JUDGE AD MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL NO.XIII AT VIJAYAPURA AND ALLOW THE APPEAL AND ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION.

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, assailing the judgment and award dated 22.06.2021 in MVC No.1237/2016 on the file of the IV Additional District & Sessions Judge and Member, MACT-XIII, Vijayapura, awarding compensation of Rs.4,27,773/- with interest at 6% p.a. from the date of petition till realisation by directing respondent No.2-Insurance Company to deposit the same.



3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 25.07.2016, in which the appellant has sustained grievous injuries.

4. The appellant has examined two treating doctors as PWs.3 and 5 to prove the disability. Looking into the nature of injuries sustained by the appellant, particularly, as to the neurological problem and the eyesight, I am of the view that, the Tribunal ought to have taken the disability to the extent of 30% instead of 10%. Since the accident is of the year 2016, as per the guidelines of the Karnataka State Legal Services Authority, the notional income of the appellant is to be taken at Rs.8,750/- per month. The appellant was aged about 45 years and therefore, the appropriate multiplier would be '14'. Thus, the appellant is entitled for Rs.4,41,000/- (Rs.8,750 x 12 x 14 x 30%) towards loss of future income.



5. Further, by looking into the injuries sustained by the appellant, I am of the view that, the appellant is entitled for enhancement of compensation under other heads also.

6. Accordingly, the compensation awarded by the Tribunal is reassessed as follows:

Pain and suffering	Rs.1,00,000/-
Medical expenses	Rs.2,10,773/-
Loss of future income	Rs.4,41,000/-
Loss of income during laid up period (Rs.8,750 x 6)	Rs.52,500/-
Attendant charges, diet and nourishment	Rs.20,000/-
Loss of amenities	Rs.1,00,000/-
Total	Rs.9,24,273/-
Less: awarded by the Tribunal	Rs.4,27,773/-
Enhancement:	Rs.4,96,500/-

Thus, the appellant is entitled for enhanced compensation of Rs.4,96,500/- with interest at 6% per annum.

7. 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.4,96,500/- with interest at 6% per annum from the date of petition till realisation.

(iii) Respondent No.2-Insurance Company is directed to deposit the said amount within six weeks from the date of receipt of a certified copy of this judgment.

Sri Subhash Mallapur, learned counsel appearing for respondent No.2 is permitted to file vakalath within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 25