



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201659 OF 2025 (MV-I)

C/W

MISCL. FIRST APPEAL NO.201658 OF 2025 (MV-D)

MISCL. FIRST APPEAL NO.201756 OF 2025 (MV-I)

IN MFA No.201659/2025

BETWEEN:

SAJID @ SAJIDALI S/O SHOUTAKALI SHAIK,
AGE 35 YEARS, OCC : EARLIER COOLIE,
R/O BHARAT RATNA INDIRA NAGAR,
SOLAPUR, NOW RESIDING AT JM ROAD,
VIJAYAPURA - 586101.

...APPELLANT

(BY SRI BASAVARAJ R. MATH, ADVOCATE)

AND:

1. KESHAV S/O SURESH PATIL,
AGE 44 YEARS, OCC: BUSINESS,
R/O NANNAJ, TQ. NORTH SOLAPUR,
SOLAPUR - 413623.
2. THE BRANCH MANAGER
THE NEW INDIA ASSURANCE CO. LTD.,
GURUKUL ROAD, VIJAYAPURA - 586101.

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)





NC: 2026:KHC-K:1870
MFA No. 201659 of 2025
C/W MFA No. 201658 of 2025
MFA No. 201756 of 2025

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO ENHANCE THE AWARD AMOUNT BY MODIFYING THE IMPUGNED JUDGMENT AND AWARD DATED 10.07.2024 PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VI AT VIJAYAPURA, IN MVC NO.484/2021, IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.201658/2025

BETWEEN:

1. SAJID @ SAJIDALI S/O SHOUTAKALI SHAIK,
AGE 35 YEARS, OCC: EARLIER COOLIE.
2. NAZNEEN @ NAJID
W/O SAJID @ SAJIDALI SHAIK,
AGE 32 YEARS, OCC: HOUSEHOLD WORK,

BOTH R/O BHARAT RATNA INDIRA NAGAR,
SOLAPUR, NOW RESIDING AT JM ROAD,
VIJAYAPURA -586101.

...APPELLANTS

(BY SRI BASAVARAJ R. MATH, ADVOCATE)

AND:

1. KESHAV S/O SURESH PATIL,
AGE 44 YEARS, OCC: BUSINESS,
R/O NANNAJ, TQ. NORTH SOLAPUR,
SOLAPUR - 413623.
2. THE BRANCH MANAGER
THE NEW INDIA ASSURANCE CO. LTD.,
GURUKUL ROAD, VIJAYAPURA - 586101.

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING ENHANCE THE AWARD AMOUNT BY MODIFYING THE IMPUGNED JUDGMENT AND AWARD DATED 10.07.2024



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PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL
NO.VI AT VIJAYAPURA, IN MVC NO.482/2021, IN THE
INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.201756/2025

BETWEEN:

JEHARIN D/O SAJID @ SAJIDALI SHAIK,
AGE 12 YEARS, OCC: STUDENT,
SINCE MINOR, REPRESENTED BY HER
MOTHER, NAZNEEN @ NAJIM
W/O SAJID @ SAJIDALI SHAIK,
AGE 32 YEARS, OCC: HOUSEHOLD WORK,
R/O BHARAT RATNA INDIRA NAGAR,
SOLAPUR, NOW RESIDING AT JM ROAD,
VIJAYAPURA - 58610

...APPELLANT

(BY SRI BASAVARAJ R. MATH, ADVOCATE)

AND:

1. KESHAV S/O SURESH PATIL,
AGE 44 YEARS, OCC: BUSINESS,
R/O NANNAJ, TQ. NORTH SOLAPUR,
SOLAPUR 413623.
2. THE BRANCH MANAGER
THE NEW INDIA ASSURANCE CO. LTD.,
GURUKUL ROAD, VIJAYAPURA - 586101.

...RESPONDENTS

(BY SRI MANVENDRA RADDY, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING
TO ENHANCE THE AWARD AMOUNT BY MODIFYING THE
IMPUGNED JUDGMENT AND AWARD DATED 10.07.2024
PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL
NO.VI AT VIJAYAPURA IN MVC NO.483/2021, IN THE
INTEREST OF JUSTICE AND EQUITY.



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. These appeals are arising out of the common judgment and award dated 10.07.2024 in MVC Nos.482/2021, 483/2021 and 484/2021, on the file of the Motor Accident Claims Tribunal No.VI at Vijayapura (hereinafter referred to as 'Tribunal'), awarding compensation.

3. The relevant facts for adjudication of these appeals are that, the claimants in MVC No.482/2021 are the parents of minor child – Faijan, who died in the road traffic accident on 21.12.2020. It is not in dispute as to the occurrence of the accident is concerned. The Tribunal has awarded compensation of Rs.5,00,000/- in MVC No.482/2021, Rs.25,000/- in MVC No.483/2021 and Rs.3,08,800/- in MVC No.484/2021 with interest at the



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rate of 6% per annum from the date of claim petitions till realization.

4. Having taken note of the submission made by the learned counsel appearing for the parties, in MVC No.482/2021, the assessment of compensation has to be made in terms of the declaration of law made by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Another*** reported in ***2025 LiveLaw (SC) 871*** as the deceased was minor at the time of accident. The deceased was a bachelor at the time of the accident. As the accident is of the year 2020, in terms of the guidelines issued by the Karnataka State Legal Services Authority, monthly income of the deceased would be Rs.13,750/- and 40% of the income is to be added towards future prospects of the deceased in terms of the law laid down by the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi***, reported in ***(2017) 16 SCC 680***. By applying the appropriate multiplier of 17,



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the claimants are entitled for Rs.20,79,000/-
(Rs.13,750+40%x12x18x1/2) towards loss of
dependency.

5. The claimants are also entitled for Rs.80,000/-
towards loss of consortium and Rs.15,000/- each towards
the loss of estate and funeral expenses. Hence, the
claimants are entitled for enhanced compensation as
under:

Heads	Amount
Loss of dependency	Rs.20,79,000/-
Loss of love and affection	Rs.80,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.21,89,000/-
Less: awarded by Tribunal	Rs.5,00,000/-
Enhancement	Rs.16,89,000/-

Thus, the claimants are entitled for enhanced
compensation of **Rs.16,89,000/-** with interest at the rate
of 6% per annum.

6. In respect of the compensation to be awarded
to the claimant in MVC No.483/2021 is concerned, by



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considering the nature of injuries sustained by the claimant, I am of the view that the claimant is entitled for global compensation of Rs.1,00,000/- in addition to the compensation awarded by the Tribunal with interest at the rate of 6% per annum from the date of claim petition till realization.

7. In respect of the compensation to be awarded to the claimant in MVC No.484/2021 is concerned, by looking into the nature of injuries and the evidence of the doctor – PW.3, I am of the view that, the Tribunal ought to have taken the disability to the extent of 15% to the whole body. As the accident is of the year 2020, in terms of the guidelines issued by the Karnataka State Legal Services Authority, monthly income of the claimant would be Rs.13,750/- and by applying the appropriate multiplier of 17, the claimant is entitled for Rs.4,20,750/- (Rs.13,750x12x17x15%) towards loss of future income.



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8. Taking into consideration the injuries sustained by the claimant, 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.13,750x3)	Rs.41,250/-
Loss of amenities	Rs.50,000/-
Loss of future of earnings	Rs.4,20,750/-
Towards attendant charges	Rs.20,000/-
Medical expenses	Rs.1,07,454/-
Total	Rs.6,89,454/-
Less: awarded by Tribunal	Rs.3,08,800/-
Enhancement	Rs.3,80,654/-

Thus, the clamant is entitled for enhanced compensation of **Rs.3,80,654/-** rounded off to **Rs.3,80,670/-** with interest at the rate of 6% per annum.

9. In the result, I pass the following:

ORDER

I. The appeals filed by the appellants/claimants are allowed in part.



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II. The appellants in MFA No.201658/2025 (MVC No.482/2021) are entitled for enhanced compensation of **Rs.16,89,000/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

III. The appellant in MFA No.201756/2025 (MVC No.483/2021) is entitled for global compensation of **Rs.1,00,000/-** in addition to the compensation awarded by the Tribunal, with interest at the rate of 6% per annum from the date of petition till the date of realization.

IV. The appellant in MFA No.201659/2025 (MVC No.484/2021) is entitled for enhanced compensation of **Rs.3,80,670/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

V. Respondent No.2 - Insurance Company is directed to deposit the compensation amount



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within six weeks from the date of receipt of
certified copy of this judgment.

VI. Learned counsel Sri Manvendra Reddy is
permitted to file memo of appearance within four
weeks from today.

VII. The appellant/claimant in MFA No.201659/2025
is not entitled for the interest for the delayed
period of 77 days in filing the appeal.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 21
CT-PK