



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO. 201714 OF 2022 (MV-I)

BETWEEN:

CHOLAMANDALAM MS GENERAL
INSURANCE CO. LTD.
THROUGH ITS MANAGER DIVISIONAL OFFICE,
ASIAN PLAZA, NEAR TIMMAPUR CIRCLE KALABURAGI
NOW, REPRESENTED BY
CHOLA MS GEN. INSURANCE COMPANY LIMITED,
THROUGH MANAGER LEGAL,
UNIT NO.4, 9TH FLOOR, LEVEL-06
GOLDEN HEIGHTS COMPLEX, 59TH C CROSS
INDUSTRIAL SUBURB, RAJAJI NAGAR,
4TH MAIN, BENGALURU-560010.

...APPELLANT

(BY SRI. MANJUNATH MALLAYYA SHETTY, ADVOCATE)

AND:

1. GOKUL KRISHNA @ GOKUL
S/O. SHANKAR
AGE 31 YEARS,
OCC. AGRICULTURE WORK,
R/O. VILLAGE BHAGODI,
TQ. CHITTAPUR, DIST. KALABURAGI-585102.
2. PUNDALIK,
S/O. SABANNA,
AGE MAJOR, OCC. BUSINESS,



OWNER OF TUM TUM GOODS VEHICLE
NO. KA-32-B-8739
R/O. 123, ITAGA,
TQ. & DIST. KALABURAGI-585102

...RESPONDENTS

(BY SRI.SANJEEV PATIL, ADV. FOR C/R1;
V/O. DATED 22.09.2022, NOTICE TO R2 DISPENSED
WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT,
PRAYING TO CALL FOR THE RECORDS AND SET ASIDE
THE JUDGMENT AND AWARD DATED 30TH DAY OF
NOVEMBER 2021 PASSED BY THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MACT AT KALABURAGI IN MVC NO.
634/2019 AND TO MODIFY THE COMPENSATION
AWARDED AND TO PASS SUCH OTHER ORDER OR
ORDERS AS THIS HON'BLE COURT DEEMS FIT UNDER THE
FACTS AND CIRCUMSTANCES OF THE CASE INCLUDING
THE COSTS IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. This appeal is filed by the Insurance company on
the ground of quantum of compensation against the
Judgment and award dated 30.11.2021 in MVC No.634/2019
passed by the II Additional Senior Civil Judge and MACT,
Kalaburagi (for short 'the tribunal').



2 The claimant who was aged about 28 years as on the date of the accident i.e. on 12.03.2019 met with a road traffic accident. He suffered grievous injuries and taken treatment in the Hospital. He filed a claim petition claiming compensation of Rs.33,00,000/-. The tribunal after considering the material evidence on record awarded sum of Rs.8,85,263/- along with interest at the rate of 6% per annum from the date of petition till realization. Being aggrieved by the said Judgment and award, the Insurance company preferred the present appeal on the ground of quantum of compensation.

3. This appeal is preferred mainly on the ground that the disability assessed by the tribunal is on higher side and excessive compensation has been awarded under different heads.

4. The claimant was aged 28 years as on the date of the accident. He stated that, he was earning a sum of Rs.2,50,000/- per annum, but has not produced any income proof. As per the guidelines of the Karnataka Legal Services



Authority, his income would be Rs.13,250/- per month for the year 2019, hence, the income considered by the tribunal in a sum of Rs.13,250/- is proper and correct and needs no interference.

5. The claimant has suffered fracture of occipital bone squamous, petrous and mastoid part of R-temporal bone and greater wing of R-temporal and L-petrous mastoid bone, SDH-in R-cerebral hemisphere, focal areas of hemorrhagic contusion in R-TO cortex, brain edema, mass effect and minimum pneumocephalus.

6. The claimant examined P.W.3 and he filed wound certificate, discharge card and disability certificate. P.W.3 assessed the disability at 44% to the whole body. The 1/3rd of the disability comes to 14.66%. Therefore, the tribunal has taken disability at 15%. Therefore, this Court finds no reasons to interfere in the said order.

7. Though the medical records produced by the claimant is for Rs.1,81,000/-, but the tribunal erred in granting a sum of Rs.3,45,063/- without basis and it is not



reasonable and exorbitant, hence, this Court finds it fit to award a sum of Rs.1,81,000/- towards medical expenses. The compensation amount granted under the other heads are proper and correct and needs no interference. Hence, the compensation amount granted under different heads by this Court is as under:

Sl.No.	Heads of compensation	Amount
1	Pain and suffering	Rs.40,000/-
2	Loss of future income	Rs.4,05,450/-
3	Attendant, food and conveyance charges	Rs.30,000/-
4	Medical expenses	Rs.1,81,000/-
5	Loss of income during treatment period	Rs.39,750/-
6	Loss of amenities	Rs.25,000/-
	Total	Rs.7,21,000/-

8. Accordingly, the following order:

ORDER

(i) The appeal filed by the Insurance company is allowed in part;

(ii) The compensation amount awarded by the tribunal in a sum of Rs.8,85,263/- is reduced to Rs.7,21,200/- along with 6% interest from the date of petition till realization.



(iii) The statutory deposit if any made before this Court by the Insurance company shall be transmitted to the tribunal, forthwith;

(iv) If any excess amount is deposited by the Insurance company before the tribunal shall be refunded to the Insurance company, forthwith;

(v) The claimant is permitted to withdraw the entire compensation amount along with interest accrued thereon.

Sd/-
(P SREE SUDHA)
JUDGE

Svh/-
List No.: 1 Sl No.: 0