



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCL. FIRST APPEAL NO. 201649 OF 2025 (MV-I)

BETWEEN:

THE MANAGING DIRECTOR,
KKRTC, SARIGE SADAN, KALABURAGI.
NOW REPRESENTED THROUGH
BY ITS CHIEF LAW OFFICER KKRTC,
CENTRAL OFFICE, SARIGE SADHANA,
MAIN ROAD, KALABURAGI,

...APPELLANT

(BY SRI. SHARANABASAPPA M.PATIL, ADVOCATE)

AND:

SIDDHARAM S/O RACHANNA JOLAD,
AGE : 26 YEARS, OCC : LAB TECHNICIAN,
R/O: SARWADE NAGAR, VIDI GHARKUL,
SOLAPUR NORTH, SOLAPUR (MH),
NOW RESIDING AT NEAR SAI RAM NAGAR,
JEWARGI ROAD, KALABURAGI - 585 103.

...RESPONDENT

(BY SRI. SANJEEV PATIL, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE ORDER OF THE TRIBUNAL AND CALL FOR THE TRIAL COURT RECORDS AND HEAR THE PARTIES AND SET ASIDE THE JUDGMENT DATED 30.11.2024 AND AWARD DATED 09.12.2024 IN MVC NO.933/2023 BEFORE THE COURT OF I ADDL. SENIOR CIVIL JUDGE AND MACT KALABURAGI IN THE INTEREST OF JUSTICE AND EQUITY.





THIS APPEAL COMING ON FOR 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 DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Sharanabasappa M. Patil, learned counsel for the appellant as well as Sri Sanjeev Patil, learned counsel who represents the respondent.

2. This appeal is the outcome of the award passed by the Motor Accident Claims Tribunal Kalaburagi (hereinafter referred as 'Tribunal' for brevity) in MVC No.933/2023 dated 30.11.2024.

3. On the ground that he sustained grievous injuries in the road traffic accident that occurred in the year 2023 and became permanently and completely disabled, respondent/claimant filed a petition claiming compensation of Rs.48,75,000/- in total. The Tribunal through the impugned order held that compensation which



the respondent/claimant is entitled to receive is Rs.16,51,500/-. Projecting that sum granted as compensation is exorbitant, the appellant is before this Court.

4. Arguing the matter, learned counsel for the appellant contends that the appellant sustained only one grievous injury. The Tribunal took the disability in respect of whole body as 30%. Learned counsel states that as per Ex.P22-disability certificate, disability assessed is 42% in respect of left upper limb and 42% in respect of whole body. Learned counsel submits that disability in respect of particular limb and to the whole body cannot be the same which itself goes to show that the disability assessed is erroneous. Learned counsel also submits that the Tribunal added future prospects which is unjustifiable. Learned counsel thereby seeks to modify the order passed by the Tribunal.



5. On the other hand, learned counsel for the respondent contends that the respondent was working as Lab Technician as on the date of accident. Due to the injury sustained to the left hand, respondent is unable to perform his duties as Lab Technician. Thus, the Tribunal rightly took the disability in respect of whole body as 30% and therefore, no interference in that regard is required. Learned counsel also states that the respondent has to eke out his life with such disability and thus, adding of future prospects is justifiable.

6. No evidence was produced by the respondent in proof of his occupation and the earning as on the date of accident. Therefore, the respondent cannot take a stand that he being a Lab Technician will suffer such disability as assessed by PW.2. Having considered the nature of injury sustained i.e., comminuted intercondylar fracture of left humerus and the evidence produced in that regard, we are of the view that disability in respect of the whole body can be taken as 15%.



7. Respondent/claimant who was aged about 24 years as on the date of accident, as rightly submitted by the learned counsel for the respondent, is required to lead rest of his life with such disability. Also, he has to continue his occupation with such disability. Therefore, we are of the view that the Tribunal has rightly added future prospects. Thus, taking the disability in respect of the whole body as 15% and without disturbing other parameters i.e., notional income of Rs.15,250/-, adding of 40% towards future prospects and applying appropriate multiplier 18 as done by the Tribunal, compensation which the respondent is entitled to receive towards loss of future earnings is Rs.6,91,740/- ($\text{Rs.15,250} \times 12 + 40\% \times 18 \times 15\%$).

8. The Tribunal through the impugned order held that the respondent is entitled to a sum of Rs.13,83,500/- towards loss of future earnings. Thus, the amount



awarded in excess is Rs.6,91,760/- (13,83,500 – 6,91,740).

9. Learned counsel for the respondent during the course of his submission contended that the compensation granted towards pain and suffering, towards attendant, food and conveyance charges, towards loss of income during laid up period and towards loss of amenities in life is on lower side. Record discloses justification in the submission. Taking into consideration the totality of facts and circumstances of the case and the evidence produced, we are of the view that though the reduction in payment of compensation under the head loss of future earnings in the light of forgoing discussion is Rs.6,91,760/-, taking into consideration the fact of award of lesser amount under the heads referred supra, compensation which can be reduced is Rs.6,00,000/- only.

10. Thus, the appeal is disposed of with the following:



ORDER

- i. The appeal is allowed in part.
- ii. The compensation that is granted by the Motor Accident Claims Tribunal Kalaburagi, through orders in MVC No.933/2023 dated 30.11.2024 is reduced by Rs.6,00,000/-.
- iii. The amount, if any, in deposit be transmitted to the concerned Tribunal forthwith.

In view of disposal of the main appeal, I.A.No.1/2026 for release of amount does not survive for consideration. Hence, proceedings in I.A.No.1/2026 are closed.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

NB
List No.: 2 Sl No.: 19
Ct: Vk