



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. 201957 OF 2023 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 202516 OF 2023 (MV-I)

IN MFA No. 201957/2023:

BETWEEN:

SIDDAPPA S/O BHIMANNA,
AGE:29 YEARS, OCC: LABOUR,
R/O NALWAR VILLAGE, TQ. CHITTAPUR,
DIST. KALABURAGI, NOW AT H.NO. 11-121,
NEAR GOA HOTEL,
KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. GOVIND S/O POOMSING
AGE: MAJOR OCC: OWNER OF TUM TUM
AUTO BEARING NO. KA-33/A-3724,
R/O NO. 48, NEAR IBRAHIMPUR ROAD,
GUNDALLI TANDA, TQ. SHAHAPUR,
DIST.YADGIR-585223.
2. THE DIVISIONAL MANAGER,
CHOLAMANDALAM MS GENERAL INSURANCE
CO.LTD.,





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DARE HOUSE, 2ND FLOOR, NO/2,
N.S.C. BOSE ROAD,
CHENNAI-600001,
THROUGH ITS AUTHORIZED OFFICER ,
SVP CHOWK, STATION ROAD,
KALABURAGI.
POLICY NO.3368/00740877/000/00,
VALID UPTO 12-10-2016.

3. MALLIKARJUN S/O SIDDANNA,
AGE: MAJOR, OCC: OWNER OF AUTO BEARING NO.
KA-33/A-6012,
R/O GANDHI NAGAR, TQ. AND DIST.YADGIR-585201.
4. THROUGH ITS MANAGER,
THE RELIANCE GENERAL INSURANCE CO.LTD.,
3RD FLOOR, ASIAN PLAZA, TIMMAPURI CIRCLE,
MAIN ROAD, KALABURAGI-585102.
POLICY NO.140726233900087,
VALID UPTO 4-4-2017.

...RESPONDENTS

(BY SRI MANJUNATH MALLAYYA SHETTY, ADVOCATE
FOR R2;
SRI SUBHASH MALLAPUR, ADVOCATE FOR R4;
V/O DTD.13.10.2023 NOTICE TO R1 IS DISPENSED WITH
V/O DTD.07.11.2025 NOTICE TO R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO
A) EXERCISE ITS APPELLATE JURISDICTION AND MODIFY THE
JUDGEMENT AND AWARD DATED 07.10.2022 PASSED BY THE
LEARNED SENIOR CIVIL JUDGE AND MACT AT CHITTAPUR IN
MVC NO.649/2017 BY ENHANCING THE COMPENSATION
AMOUNT AS PRAYED FOR. B) THE HON'BLE COURT BE PLEASED
TO HOLD BOTH THE RESPONDENTS JOINTLY AND SEVERALLY
LIABLE TO PAY THE ENHANCED COMPENSATION TO THE
APPELLANT.



IN MFA NO. 202516/2023:

BETWEEN:

TOTENDRA S/O MAREPPA,
AGE: 32 YEARS, OCC: LABOUR,
R/O NALWAR VILLAGE, TQ. CHITTAPUR,
DIST. KALABURAGI, NOW AT H.NO.3-245,
KHADRI CHOWK ALAND ROAD,
KALABURAGI.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. GOVIND S/O POOMSING,
AGE: MAJOR, OCC: OWNER OF TUM TUM
AUTO BEARING NO.KA-33/A-3724,
R/O NO.48, NEAR IBRAHIMPUR ROAD,
GUNDALLI TANDA, TQ.SHAHAPUR,
DIST.YADGIR-585223.
2. THE DIVISIONAL MANAGER,
CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD.,
DARE HOUSE, 2ND FLOOR, NO.2, N.S.C. BOSE ROAD,
CHENNAI-600001,
THROUGH ITS AUTHORIZED OFFICER,
SVP CHOWK STATION ROAD, KALABURAGI.
POLICY NO.3368/00740877/000/00
VALID UPTO 12-10-2016.
3. MALLIKARJUN S/O SIDDANNA,
AGE: MAJOR, OCC: OWNER OF AUTO BEARING NO.
KA-33/A-6012,
R/O GANDHI NAGAR, TQ. AND DIST.YADGIR-585201
4. THROUGH ITS MANAGER,
THE RELIANCE GENERAL INSURANCE CO.LTD.,
3RD FLOOR, ASIAN PLAZA,
TIMMAPURI CIRCLE, MAIN ROAD,



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KALABURAGI-585102.
POLICY NO.140726233900087,
VALID UPTO 4-4-2017.

...RESPONDENTS

(BY SRI MANJUNATH MALLAYYA SHETTY, ADVOCATE
FOR R3;
SRI SUBHASH MALLAPUR, ADVOCATE FOR R4;
V/O DTD.04.09.2023 & 07.11.2025 NOTICE TO R1 & R3 IS
DISPENSED WITH REPECTIVELY)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING
TO, A) EXERCISE ITS APPELLATE JURISDICTION AND
MODIFY THE JUDGMENT AND AWARD DATED 7.10.2022
PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT
AT CHITTAPUR IN MVC NO.647/2017 BY ENHANCING THE
COMPENSATION AMOUNT AS PRAYED FOR. B) HOLD BOTH
THE RESPONDENTS JOINTLY AND SEVERALLY TO PAY THE
ENHANCED COMPENSATION TO THE APPELLANT.

THESE APPEALS, COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

1. Heard the learned counsels for the parties.
2. These appeals are arising out of the Judgment
and award dated 07.10.2012 in MVC No.647/2017 and MVC
No.649/2017 on the file of the Senior Civil Judge and MACT,
Chittapur, (for short 'the Tribunal') awarding compensation.



3. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

4. Having taken note of the submission made by the learned counsels for the parties, it is not in dispute as to the occurrence of the accident on 13.08.2016 in which the claimant in both the appeals sustained grievous injuries.

Compensation in MFA No.201957/2023 (MVC No.649/2017)

5. Having taken note of the evidence of P.W.3 and while looking into the nature of the injuries sustained by the claimant, the Tribunal ought to have taken the disability at 20%. Since the accident is of the year 2016 and as per the guidelines of the Karnataka State Legal Services Authority, the monthly income of the claimant would be Rs.8,750/-. By applying appropriate multiplier of '18', the claimant is entitled for Rs.3,78,000/- (Rs.8,750/- X 12 X 18 X 20%) towards loss of future income. The compensation is re-assessed under different heads as under:



Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.3,78,000/-
2	Pain and suffering	Rs.50,000/-
3	Medical expenses	Rs.65,485/-
4	Loss of amenities	Rs.50,000/-
5	Attendant charges	Rs.20,000/-
6	Loss of income during laid up period	Rs.26,250/-
7	Future medical expenses	Rs.15,000/-
	Total	Rs.6,04,735/-

Compensation in MFA No.202516/2023 (MVC No.647/2017)

6. Having taken note of the evidence of P.W.3 and while looking into the nature of the injuries sustained by the claimant, the Tribunal ought to have taken the disability at 20%. Since the accident is of the year 2016 and as per the guidelines of the Karnataka State Legal Services Authority, the monthly income of the claimant would be Rs.8,750/-. By applying appropriate multiplier of '18', the claimant is entitled for Rs.3,78,000/- (Rs.8,750/- X 12 X 18 X 20%) towards loss of future income. The compensation is re-assessed under different heads as under:



Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.3,78,000/-
2	Pain and suffering	Rs.50,000/-
3	Medical expenses	Rs.65,240/-
4	Loss of amenities	Rs.50,000/-
5	Attendant charges	Rs.20,000/-
6	Loss of income during laid up period	Rs.26,250/-
7	Future medical expenses	Rs.15,000/-
	Total	Rs.6,04,490/-

7. Accordingly, the following:

ORDER

(i) Both appeals are allowed in-part;

(ii) The claimant in MFA No.201957/2023 is entitled for total compensation of Rs.6,04,735/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;

(iii) The claimant in MFA No.202516/2023 is entitled for total compensation of Rs.6,04,490/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;

(iv) As per the order of the Tribunal, respondent Nos.2 and 4 – Insurance companies are directed to deposit the compensation amount



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along with interest within a period of six weeks
from the date of receipt of the copy of this order.

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 Sl No.: 9