



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE P. SREE SUDHA

MISCL. FIRST APPEAL NO. 201682 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 201360 OF 2022(MV-I)

IN MFA NO.201682/2022:

BETWEEN:

SRI YALLAPPA,
S/O. YALAGURADAPPA HERAKALLA,
AGED ABOUT 48 YEARS, OCC. DRIVER
R/O. ARALADINNI-589620.
TQ. BASAVANA BAGEWADI, DIST. VIJAYAPUR.

...APPELLANT

(BY SRI S.S. MAMADAPUR, ADVOCATE)

AND:

1. SMT. SUGALAVVA,
W/O. BASALINGAPPA HITNALLI,
AGE MAJOR, OCC. BUSINESS,
R/O. BASAVANAHATTI, TQ. BASAVANA BAGEWADI,
DIST. VIJAYAPUR-586203.
2. THE BRANCH MANAGER
NATIONAL INSURANCE CO. LTD.,
AMIR TALKIES ROAD,
VIJAYAPUR-586101.

...RESPONDENTS

(BY SRI SANGANABASAVA B. PATEL, ADVOCATE, FOR R1;
SRI MANVENDRA REDDY, ADVOCATE, FOR R2)

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signed by
SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA



THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO ENHANCE THE COMPENSATION AMOUNT AND HOLD THE 2ND RESPONDENT - INSURANCE COMPANY LIABLE FOR THE PAYMENT OF COMPENSATION BY SUITABLY MODIFYING THE JUDGMENT AND AWARD DATED 10.03.2022 PASSED BY THE HON'BLE IV ADDL. DISTRICT AND SESSIONS JUDGE AND MEMBER MACT - XIII, VIJAYAPUR IN MVC NO.143/2017, IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.201360/2022:

BETWEEN:

SMT. RENUKA @ PARVATI @ RENAMMA,
W/O. YALLAPPA HERAKALLA,
AGED ABOUT 40 YEARS,
OCC. COOLIE AND HOUSEHOLD WORK,
R/O. ARALADINNI-589620.
TQ. BASAVANA BAGEWADI,
DIST. VIJAYAPURA.

...APPELLANT

(BY SRI S.S. MAMADAPUR, ADVOCATE)

AND:

1. SMT. SUGALAVVA,
W/O. BASALINGAPPA HITNALLI,
AGE MAJOR, OCC. BUSINESS,
R/O. BASAVANAHATTI,
TQ. BASAVANA BAGEWADI,
DIST. VIJAYAPUR-586203.
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JUDGMENT AND AWARD DATED 10.03.2022 PASSED BY THE HON'BLE IV ADDL. DISTRICT AND SESSIONS JUDGE AND MEMBER MACT - XIII, VIJAYPUR, IN MVC NO.142/2017.

THESE APPEALS ARE COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P. SREE SUDHA

ORAL JUDGMENT

1. Heard the arguments of both sides in both the appeals.

2. These two appeals are filed by the claimants against the common judgment and award dated 10.03.2022 passed by the IV Additional District and Sessions Judge and Member, M.A.C.T.-XIII, Vijayapura, [for short 'Tribunal'] in MVC Nos.142 and 143 of 2017 seeking enhancement of compensation. The appellant in MFA No.201682/2022 was claimant in MVC No.143/2017 and the appellant in MFA No.201360/2022 was claimant in MVC No.142/2017.

3. The facts of the case are that the claimants met with a road traffic accident on 20.05.2016 due to rash and negligent driving by the driver of Goods Tum-Tum vehicle



bearing registration No.KA-28/B-1125, resulting in injuries to the claimants. For which, they were treated as inpatient in the hospital for several days and suffered disability. Hence, the appellants herein had filed their respective claim petitions before the Tribunal claiming compensation of Rs.17,00,000 and Rs.15,00,000/-. The Tribunal considering the entire materials available on record, had awarded a sum of Rs.70,111/- in MVC No.143/2017 and a sum of Rs.44,620/- in MVC No.142/2017 with interest at 6% per annum from the date of petitions till realization and directed respondent No.1 - owner of the vehicle to pay the compensation to the claimants and exonerated respondent No.2 - Insurance Company from its liability.

4. Aggrieved by the said judgment of the Tribunal, the injured-claimant in MVC No.143/2017 has preferred the appeal in MFA No.201682/2022 and the injured-claimant in MVC No.142/2017 has preferred the appeal in MFA No.201360/2022.



In MFA No.201682/2022:-

5. It is contended by the learned counsel for the claimant that the compensation awarded by the Tribunal is on the lower side, hence, the impugned judgment and award is liable to be modified by enhancing compensation. It is stated that the appellant has sustained fracture of superior ramous of hip bone on right side. In support of his claim, he examined the Doctor as PW3, who after clinical examination deposed that the appellant is suffering 15 to 20% disability to the right lower limb, which has obviously reduced the earning capacity of the appellant. But the Tribunal disbelieved the evidence of PW3 and documents Ex.P16 and 17 produced by the claimant and not awarded any compensation for loss of future earning capacity on the ground that he examined the PW3 after three years of accident. It is also contended that meagre amounts are granted for pain and sufferings and loss of income during laid up period. As per Ex.R1 – Extract of Driving License, the driver of the offending vehicle was



possessing license to drive light motor vehicle *w.e.f.* 02.03.2013 to 01.03.2018 and it is submitted that as per 'B' Register Extract at Ex.R2 the un-laden weight of the vehicle is 1160 kgs., and as such it is a Light Motor Vehicle as defined under the provisions of the Motor Vehicle Act. In view of the same, it cannot be said that the driver was not possessing valid and effective driving license as held by the Tribunal. Hence, learned counsel for the claimant contended the Insurance Company is liable to pay the compensation.

6. A perusal of Ex.P11 - Wound Certificate, shows that the claimant has sustained grievous injuries. PW3 - Doctor has assessed 15 to 20% of permanent physical disability. The accident has occurred on 20.05.2016 and the claimant approached the PW3 on 04.01.2019 for obtaining Disability Certificate. The Tribunal observed that there is inordinate delay in assessing disability and did not award any compensation for loss of future earning capacity, which needs interference by this Court.



Admittedly, on perusal of the materials on record, the claimant has suffered disability to some extent. Hence, considering the nature of injuries and period of hospitalization, this Court finds it reasonable to assess the disability at 5%.

7. The claimant stated that he was aged 43 years, working as Driver and earning Rs.25,000/- per month, but he has not filed any income proof. As he met with the accident on 20.05.2016, as per the chart issued by the Karnataka State Legal Services Authority, this Court deems it appropriate to reassess the income of the claimant at Rs.8,750/- per month and appropriate multiplier applicable to his age group is '14'. Accordingly, the claimant is entitled for loss of future earning as under:

$$\text{Rs.8,750/-} \times 12 \times 14 \times 5\% = \text{Rs.73,500/-}$$

8. Further, the Tribunal has rightly granted Rs.20,111/- towards medical expenses, which needs no interference, as there is no dispute regarding the same.



This Court finds it reasonable to award an amount of Rs.30,000/- for pain and suffering; Rs.40,000/- towards transportation, extra nourishment and attendant charges and Rs.20,000/- for loss of amenities.

9. He might not have attended any work atleast for a period of three months, hence, loss of income during laid up period comes to Rs.26,250/- (8,750 x 3).

10. The compensation awarded by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of future earning capacity	73,500/-
2. Pain and suffering	30,000/-
3. Loss of amenities	20,000/-
4. Medical expenses	20,111 /-
5. Transportation, extra nourishment and attendant charges	40,000/-
6. Loss of earning during the laid up period for 6 months	26,250/-
Total	2,09,861/-

11. Accordingly, the claimant-appellant is entitled for a total compensation of Rs.2,09,861/- as against



Rs.70,111/- awarded by the Tribunal. There will be enhancement of Rs.1,39,750/-.

In MFA No.201360/2022:-

12. It is stated by the claimant that at the time of accident, she was aged about 35 years and earning Rs.15,000/- per month by working as a coolie. But she failed to file any income proof. Further, as per Wound Certificate, she has sustained one simple injury. Observing these aspects of the matter, the Tribunal has rightly awarded the compensation under all heads, in total at Rs.44,620/- with interest at the rate of 6%. Hence, this Court finds no reason to interfere with the said order and hereby confirm the award passed by the Tribunal.

13. In the result, the following order is passed:

- i) The appeal in MFA No.201682/2022 is ***allowed in part*** and the appeal in MFA No.201360/2022 is hereby ***dismissed***.



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MFA No. 201682 of 2022
C/W MFA No. 201360 of 2022

- ii) Respondent No.2 in MFA No.201682/2022 is directed to deposit the enhanced compensation of Rs.2,09,861/- along with interest at the rate of 6% per annum within one month from the date of order.
- iii) Respondent – Insurance Company in MFA No.201360/2022 is directed to deposit Rs.44,620/- awarded by the Tribunal with interest at the rate of 6% within one month from the date of order, if it is not deposited.
- iv) On such deposit, the appellants in both the appeals are permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P. SREE SUDHA)
JUDGE