



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201564 OF 2024 (MV-I)

BETWEEN:

PUSHPA D/O SHIVAYOGI HEBBAL,
AGE: 16 YEARS, OCC: STUDENT,
MINOR GUARDIAN BY SHIVAYOGI
S/O IRAPPA HEBBAL,
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O BYAKOD, TQ. B. BAGEWADI-586 208,
NOW R/ AT SHAKTI NAGAR,
VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. SHIVAYYA S/O MALLAYYA HIREMATH,
AGE: 43 YEARS, OCC: BUSINESS,
R/O BYAKOD, TQ. B. BAGEWADI,
DIST. VIJAYAPURA-586 208.
2. THE MANAGER LEGAL/CLAIMS,
LIBERTY GENERAL INSURANCE COMPANY LIMITED,
10TH FLOOR, TOWER-A, PENISULA BUSINESS PARK,
GANAPATRAO KADAM MARG, LOWER PAREL,
MUMBAI, MAHARASHTRA-400 013.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD. 10.06.2024, NOTICE TO R1 DISPNESED WITH)

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Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL AND ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED 07.07.2023 PASSED BY THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AND MEMBER, MACT-V AT VIJAYAPURA, IN M.V.C. NO.272/2021.

THIS APPEAL COMING ON FOR ORDERS, 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. This appeal is preferred by the claimant, seeking enhancement of the compensation, assailing the judgment and award dated 07.07.2023 in MVC No.272/2021 on the file of the Principal Senior Civil Judge and MACT-V at Vijayapura (for short 'the Tribunal'), partly allowing the claim petition and awarding compensation.

3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 05.07.2020, in which, the appellant has sustained grievous injury. It is to be noted that, the appellant was aged about



13 years at the time of the accident. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr.*** reported in ***2025 LiveLaw (SC) 871***, the calculation of loss of income has to be made basing on the minimum wages payable to a skilled worker in the respective State at the time of the accident. The Karnataka State Legal Services Authority has prepared chart basing on the minimum wages pertaining to the concerned years. Hence, since the accident in question is of the year 2020, the notional income of the appellant is to be taken at Rs.13,750/- per month. A perusal of the evidence of PW.2 makes it clear that, the claimant has sustained grievous injuries. Hence, taking into consideration that there was shortening of leg by 1 inch, the disability is to be taken at 20%. Considering the age of the appellant, the appropriate multiplier is 18. Thereby, the appellant is entitled for a sum of



Rs.5,94,000/- (Rs.13,750 x 12 x 18 x 20%) towards loss of future income.

4. In addition to compensation towards loss of future income as stated above, the appellant is also entitled for a sum of Rs.50,000/- towards pain and suffering, Rs.50,000/- towards loss of amenities, Rs.10,000/- towards attendant charges and Rs.10,000/- food and nourishment. The compensation awarded by the Tribunal towards medical expenses to the tune of Rs.1,33,000 is just and proper.

5. Accordingly, the appellant is entitled for the modified compensation under various heads as under:

Pain and suffering	Rs.50,000/-
Medical expenses	Rs.1,33,000
Loss of future income	Rs.5,94,000/-
Attendant charges	Rs.10,000/-
Food and nourishment	Rs.10,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.8,47,000/-
Less: awarded by Tribunal	Rs.2,98,000/-
Enhancement:	Rs.5,49,000/-



Thus, the appellant is entitled for enhanced compensation of Rs.5,49,000/- with interest at 6% per annum.

6. In the result, I pass the following:

ORDER

(i) Appeal is allowed in part.

(ii) The appellant/claimant is entitled for enhanced compensation of Rs.5,49,000/- with interest at 6% per annum from the date of petition till the date of realisation. However, in view of the order of this Court dated 10.06.2024, the appellant is not entitled for interest for the delayed period of 204 days in filing the appeal.

(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within six weeks from the date of receipt of a certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 6