



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.202367 OF 2024 (MV-I)

BETWEEN:

SYED IBRAHIM
S/O SYED YOUNUS DAKHNI,
AGE 20 YEARS, OCC: STUDENT,
RESIDENCE OF H.NO. 9-1-185,
DAKHNI MOHALLA,
NEAR MASJID-E-UMAR,
SHORAPUR.

...APPELLANT

(BY SRI SRIDEVI J. TUPPAD, ADVOCATE)

AND:

1. MD. HASAN S/O CHANDPASHA,
AGE. 44 YEARS, OCC: OWNER OF VEHICLE,
RESIDENCE OF H.NO. 986/A, UPPER GALLI,
SANTRASHWADI, KALABURAGI-585102
2. TATA AIG GENERAL INS. CO. LTD.,
THROUGH ITS MANAGER,
1st FLOOR, UNIT NO.F6 AND F8,
BUSINESS PARK CENTER,
AKKAMAHADEVI HOUSING BOARD COLONY,
OPP. HIGH COURT, KALABURAGI 585102
VALIDE FROM 30.10.2019 TO 29.10.2020

...RESPONDENTS

(BY SRI S.S.ASPALLI, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S.173(1) OF MV ACT, TO MODIFY THE JUDGMENT AND AWARD DTD. 24.04.2024 ENHANCE THE COMPENSATION OF Rs.12,00,000/- AS PRAYED BY THE APPELLANT HEREIN M.V.C.NO.939/2020 BY THE HON'BLE COURT OF THE III ADDL. SENIOR CIVIL JUDGE AND MACT AT KALABURAGI, BY ALLOWING THE APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY; ENHANCE THE RATE OF INTEREST AWARDED FROM 6 PERCENT TO 9 PERCENT IN THE ENDS OF JUSTICE; TO GRANT SUCH OTHER RELIEF AS THIS HONOURABLE COURT MAY DEEM FIT.

THIS APPEAL COMING ON FOR ADMISSION, 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 compensation, challenging the judgment and award dated 24.04.2024 in MVC No.939/2020, on the file of the Motor Accident Claims Tribunal and III Additional Senior Civil Judge, Kalaburagi (hereinafter referred to as 'Tribunal'), awarding compensation.



3. Having taken note of the submission made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 29.01.2020. As the claimant was minor at the time of the accident, the award of compensation has to be reassessed as per the declaration of law made by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Another*** reported in ***2025 LiveLaw (SC) 871***.

4. Taking into consideration the accident is of the year 2020, monthly income of the claimant would be Rs.13,750/-. By applying the appropriate multiplier of 18 and also taking into consideration the disability to the extent of 15%, the claimant is entitled for Rs.4,45,500/- (Rs.13,750x12x18x15%) towards loss of future income.

5. Looking into the nature of injuries sustained by the claimant, the award of compensation insofar as other heads has to be reassessed as follows:



Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of amenities	Rs.50,000/-
Loss of future of earnings	Rs.4,45,500/-
Towards food and nourishment	Rs.20,000/-
Future medical expenses	Rs.50,000/-
Medical expenses	Rs.50,000/-
Total	Rs.6,65,500/-
Less: awarded by Tribunal	Rs.5,00,000/-
Enhancement	Rs.1,65,500/-

Thus, the clamant is entitled for enhanced compensation of **Rs.1,65,500/-** with interest at the rate of 6% per annum.

6. In the result, I pass the following:

ORDER

- I. The appeal is allowed in part.
- II. The appellant/claimant is entitled for enhanced compensation of **Rs.1,65,500/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.
- III. Respondent No.2 - Insurance Company is directed to deposit the compensation amount



within six weeks from the date of receipt of
certified copy of this judgment.

Learned counsel Sri S.S.Aspalli is permitted to file
memo of appearance within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

Srt
List No.: 1 Sl No.: 19