



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.201528 OF 2022 (MV-I)

BETWEEN:

MAHABUBBI
W/O. HUSSAINSAB MULLA,
AGE: 49 YEARS, OCC: COOLIE,
R/O RANGIN MASJID, STATION BACK ROAD,
VIJAYAPURA-586101.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. SADDAM
S/O. BABUSAB HANJAGI,
AGE: MAJOR, OCC: BUSINESS AND OWNER OF
MOTORCYCLE BEARING NO.KA-28/ES-7195),
R/O. STATION BACK ROAD, NEAR RANGIN
MASJID,
VIJAYAPURA-586101.
2. THE BRANCH MANAGER
THE NATIONAL INSURANCE CO. LTD.,

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH
COURT OF
KARNATAKA



S.S.FRONT ROAD,
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE, FOR R2;
R1-SERVED)

THIS MFA IS FILED U/S. 173(1) OF MV ACT,
PRAYING TO ENHANCE THE COMPENSATION AMOUNT
PAYABLE TO THE APPELLANT BY SUITABLY MODIFYING
THE JUDGMENT AND AWARD DATED 21.09.2021 PASSED
BY THE COURT OF II ADDL. SENIOR CIVIL JUDGE AND
MOTOR ACCIDENT CLAIMS TRIBUNAL – VII, VIJAYAPURA,
IN MVC NO.1091/2018.

THIS APPEAL COMING ON FOR 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.
2. This appeal is filed by the claimant against the judgment and award dated 21.09.2021 passed by the II Additional Senior Civil Judge and M.A.C.T.-VII, Vijayapura, [for short 'Tribunal'] in MVC No.1091/2018 seeking enhancement of compensation.



3. The facts of the case are that, the appellant-claimant met with a road traffic accident on 11.08.2018 when she was proceeding as a pillion rider on a motorcycle bearing No.KA-28/ES-7195 resulting in injuries to the claimant. It is the case of the claimant that though she was treated as inpatient till 28.08.2018 and spent huge amount for treatment, she suffered permanent physical disability, hence, she filed claim petition before the Tribunal claiming compensation of Rs.9,20,000/-, contending that she was aged 45 years at the time of accident and by doing Coolie work, she was earning Rs.10,000/- per month. The Tribunal considering the entire materials available on record, had awarded a sum of Rs.1,24,702/- with interest at 6% per annum from the date of petition till realization and directed respondent No.2-Insurance Company to pay the compensation.

4. Aggrieved by the said judgment, the injured-claimant has preferred this appeal, in which, it is contended that though the claimant stated that she was



earning Rs.10,000/- per month, the Tribunal assessed the same at Rs.8,000/- per month. It is further contended that the Doctor examined as PW2 has assessed 30% disability, but the Tribunal has assessed the whole body disability at 5%. It is contended that she has spent Rs.1,00,000/- for medical expenses, but the Tribunal erred in awarding only Rs.8,502/-. Further, the compensation awarded under other heads is on the lower side, hence, the learned counsel for the claimant prays for allowing the appeal by enhancing the compensation reasonably.

5. It is submitted by the learned counsel for respondent No.2 – Insurance Company that the compensation awarded by the Tribunal is just and proper and needs no interference.

6. Admittedly, it is the case of the disability suffered by the claimant in a road traffic accident. The claimant states that she was earning Rs.10,000/- per month and the Tribunal has taken Rs.8,000/-. But, as the accident is of the year 2018, 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.11,750/- per month.

7. As per Ex.P5 – Wound Certificate issued by PW2 - Doctor, the claimant has sustained 30% disability, but the Tribunal assessed whole body disability at 5% disability. The claimant sustained cut lacerated wound over right occipital region and C.T. Scan of brain shows subdural hemorrhagic and contusion of frontal lobe, which are grievous in nature. As per Disability Certificate, the PW2 has observed that the claimant has lost concentration, she has less memory, therefore 20% disability of her neurological condition and also that she has tingling and numbness, she has weakness and unable to lift any type of weight, therefore, disability of 10% neurology condition. The Tribunal has taken whole body disability at 5% on the ground PW2 has never treated the claimant and he is not a Neuron Surgeon to assess the disability of neurological condition.



8. Considering the nature of injuries, period of hospital and other facts, this Court finds it reasonable to reassess functional disability at 1/3 of 30% assessed by the Doctor, which comes to 10%. Accordingly, the claimant is entitled for loss of future earning as under:

$$\text{Rs.11,750/-} \times 12 \times 14 \times 10\% = \text{Rs.1,97,400/-}$$

9. Admittedly, the claimant was treated as inpatient in the hospital and undergone follow up treatment. Considering the same, this Court finds it reasonable to grant a sum of Rs.50,000/- for pain and suffering; Rs.30,000/- for loss of amenities and Rs.30,000/- for transportation, extra nourishment and attendant charges.

10. Due to the injuries sustained, the claimant might not have attended any work atleast for a period of 3 months, but, the Tribunal has not awarded any compensation for loss of income during laid up period. Hence, this Court finds it reasonable to award a sum of



(Rs.11,750/- x 3) Rs.35,250/- for loss of income during laid up period. However, the compensation of Rs.8,502/- awarded by the Tribunal for medical expenses needs no interference.

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

Sl. No.	Heads	Award by the Tribunal	Award by this Court
1	Pain and suffering	Rs.20,000/-	Rs.50,000/-
2	Medical Expenses	Rs.8,502/-	Rs.8,502/-
3	Loss of future earning capacity	Rs.67,200/-	Rs.1,97,400/-
4	Transportation, extra nourishment and attendant charges	Rs.9,000/-	Rs.30,000/-
5.	Loss of amenities	Rs.20,000/-	Rs.30,000/-
6.	Loss of income during laid up period	--	Rs.35,250/-
Total		Rs.1,24,702/-	Rs.3,51,152/-
There will be enhancement of Rs.2,26,450/-			



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

(i) Appeal is ***allowed in part.***

(ii) The claimant is entitled for the enhanced compensation of Rs.2,26,450/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) Respondent No.2 – Insurance Company is directed to deposit the aforesaid compensation amount along with interest within one month from the date of this judgment.

(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P. SREE SUDHA)
JUDGE

SBS
List No.: 1 Sl No.: 93
CT:RJ