



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISC. FIRST APPEAL NO.202118 OF 2023 (MV-I)

BETWEEN:

KASTURBAI W/O PANDAPPA JAPURE,
AGE: 55 YEARS, OCC: AGRICULTURE AND COOLIE,
R/O: HALLIKED (K), WADI, TQ. HUMNABAD,
NOW AT SHAHABAZAR, KALABURAGI

...APPELLANT

(BY SMT. SRIDEVI J. TUPPAD, ADVOCATE)

AND:

1. MUKTESHWAR DUDHBHATE S/O SHIVARAM,
AGE: 55 YEARS ,OCC: BUSINESS,
R/O A/P SARADWADI, TQ. SHIRUR,
DIST. PUNE-412 207.
2. LIBERTY VIDEOCON GENERAL INS CO LTD,
THROUGH ITS MANAGER,
10TH FLOOR, TOWER PENINSULA BUSINES PARK,
GANPATRAO KADAM MARG, LOWER PATEL,
MUMBAI-400 013.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD.05.07.2023 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT, PRAYING TO, A) CALL FOR RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 17.04.2021 ENHANCE THE COMPENSATION Rs.11,82,000/- AS PRAYED BY THE APPELLANT HEREIN MVC.NO.651/2017 BY THE HONOURABLE IN THE COURT OF THE III ADDL SENIOR CIVIL JUDGE AND MACT, AT KALABURAGI, BY ALLOWING THE APPEAL. B) ENHANCE THE RATE OF INTEREST AWARDED FROM 6% TO 9% IN THE ENDS OF JUSTICE. C) TO GRANT SUCH OTHER RELIEF AS THIS HON'BLE 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

This appeal is preferred by the claimant seeking enhancement of compensation, challenging the judgment and award dated 17.04.2021 in MVC.No.651/2017 on the file of III Additional Senior Civil Judge and MACT, at Kalaburagi, awarding compensation.

02. Having taken note of the submission made by the learned counsel appearing for the parties, there is no dispute as to the occurrence of the accident on 09.10.2016, in which the claimant sustained grievous injuries.



03. By looking into the nature of the injuries and the evidence of the treating doctor, I am of the view that, the amount of compensation made by the Tribunal requires enhancement.

04. Looking into the nature of the injuries sustained by the claimant as per paragraph 18, the Tribunal has rightly taken the disability to the extent of 15% and by applying appropriate multiplier of 13 to the monthly income of Rs.8,750/-, has arrived at a conclusion that the claimant is entitled for Rs.2,04,750/- towards loss of future income.

05. By looking into the nature of the injuries, the claimant is entitled for the enhancement of compensation under the various heads which reads as :-

Heads	Amount
Pain and suffering	Rs.1,00,000/-
Loss of future income	Rs.2,04,750/-
Attendant, food and conveyance charges.	Rs.35,000/-



Medical expenses	Rs.66,709/-
Loss of income during treatment period (Rs.8,750/- x 6)	Rs.52,500/-
Loss of amenities	Rs.1,00,000/-
Total	Rs.5,58,959/-
Less: awarded by Tribunal	Rs.3,70,959/-
Enhancement	Rs.1,88,000/-

06. Thus, the claimant is entitled for enhanced compensation of **Rs.1,88,000/-** with interest at the rate of 6% per annum from the date of petition till its realization.

07. In the result, I pass the following:

ORDER

I. The appeal filed by the claimant is allowed in part.

II. The appellant - claimant is entitled for enhanced compensation of **Rs.1,88,000/-** 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 aforesaid compensation amount within six weeks from the date of receipt of certified copy of this judgment.

The claimant is not entitled for interest for a period of 386 days delay in filing the appeal as per the order dated 05.07.2023 passed by this Court.

In view of the disposal of main appeal, the pending I.As. does not survive for consideration, hence, they are also disposed of.

Smt. Preethi Patil Melkundi, the learned counsel is permitted to file memo of appearance for the respondent No.2 within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE