



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 201866 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 202650 OF 2022 (MV-I)

IN MFA No. 201866/2022:

BETWEEN:

RAMU S/O ROPALA RATHOD,
AGE: 51 YEARS, OCC: AGRICULTURE, NOW NIL,
R/O MINAJAGI, TANDA,
TQ. AND DIST. KALABURAGI,
NOW AT HALKATTA,
TQ. CHITTAPUR, DIST. KALABURAGI

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. SURYAKANT S/O NAGENDRAPPA,
AGE: 56 YEARS, OCC: OWNER OF TOOFAN,
NO.KA-35/M-8694,
R/O. GAROOR (B),
TQ. AND DIST. KALABURAGI-585 105.
2. THE DIVISIONAL MANAGER,
THE NEW INDIA ASSURANCE CO.LTD,
P.B NO. 12, SANGAMESHWAR COLONY,





S.B TEMPLE ROAD,
KALABURAGI-585102.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD. 18.10.2022 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO, A) TO EXERCISE ITS
APPELLATE JURISDICTION MODIFY THE JUDGMENT AND
AWARD DATED 13.04.2022 PASSED BY THE LEARNED SENIOR
CIVIL JUDGE AND MACT, CHITTAPUR IN MVC NO.845/2021 BY
ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR.

IN MFA NO. 202650/2022:

BETWEEN:

ASHOK S/O SEVU RATHOD,
AGE: 27 YEARS, OCC: AGRICULTURE, NOW NIL,
R/O MINAJI TANDA,
TQ. AND DIST. KALABURAGI
BOW AT HALKATTA,
TQ. CHITTAPUR, DIST. KALABURAGI.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. SURYAKANT S/O NAGENDRAPPA,
AGE: 56 YEARS,
OCC: OWNER OF TOOFAN NO. KA-35/M-8694,
R/O GAROOR (B),
TQ. AND DIST. KALABURAGI-585 101.
2. THE DIVISIONAL MANAGER,
THE NEW INDIA ASSURANCE CO.LTD,
P.B NO. 12, SANGAMESHWAR COLONY,
S.B TEMPLE, ROAD, KALBURAGI-585102.

...RESPONDENTS



NC: 2026:KHC-K:1820
MFA No. 201866 of 2022
C/W MFA No. 202650 of 2022

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD.29.05.2023 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO A) EXERCISE ITS APPELLATE JURISDICTION MODIFY THE JUDGEMENT AND AWARD DATED 13.04.2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT AT CHITTAPUR IN MVC NO.846/2021 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR. B) HOLD THE RESPONDENTS NO.1 AND NO.2 JOINTLY AND SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION TO THE APPELLANT.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

These appeals are directed against the common judgment and award dated 13.04.2022 passed in MVC Nos. 845 and 846 of 2021 by the Senior Civil Judge and MACT, Chittapur (for short, "the Tribunal"), awarding compensation to the claimants.

2. For the sake of convenience, the parties in these appeals shall be referred to according to their status and ranking before the Tribunal.



3. I have heard Sri Sanjeev Patil, learned counsel appearing for the appellants, and Smt. Preeti Patil Melkundi, learned counsel appearing for the respondent–Insurance Company. I have perused the records.

4. In light of the arguments advanced by the learned counsel appearing for the parties, there is no dispute regarding the occurrence of the road traffic accident on 23.06.2021, as a result of which the claimants sustained grievous injuries.

Award of Compensation in MVC No. 845 of 2021 (MFA No. 201866 of 2022)

5. The claimant sustained grievous injuries. On consideration of the injuries reflected in the Wound Certificate and the deposition of PW-2, I am of the opinion that the Tribunal ought to have taken the disability at 20% to the whole body.



6. The accident occurred in the year 2021. As per the guidelines issued by the Karnataka State Legal Services Authority, the notional income of the claimant is taken at Rs.14,250/- per month. By applying the multiplier of 13, in terms of the judgment of the Hon'ble Supreme Court in the case of ***Sarla Verma v. Delhi Transport Corporation***, reported in ***(2009) 6 SCC 121***, and considering the disability at 20%, the claimant is entitled to compensation of Rs.4,44,600/- ($14,250 \times 12 \times 13 \times 20\%$) towards loss of future income due to permanent disability.

7. Taking into consideration the nature of injuries sustained by the appellant-claimant, the compensation is reassessed under the following heads:



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Heads	Amount (Rs.)
Pain and suffering	50,000
Medical expenses	74,000
Conveyance charges	20,000
Loss of income during treatment (Rs.14,250 × 4 months)	57,000
Loss of future income due to permanent disability	4,44,600
Loss of future amenities	50,000
Total	6,95,600
Compensation awarded by the Tribunal	5,30,560
Enhanced compensation	1,65,040

8. After deducting the compensation already awarded by the Tribunal, the claimants are entitled to enhanced compensation of Rs. 1,65,040/-

**Award of Compensation in MVC No. 846 of 2021
(MFA No. 200985 of 2022)**

9. The claimant sustained grievous injuries. On consideration of the injuries reflected in the Wound Certificate and the deposition of PW-2, I am of the



opinion that the Tribunal has rightly taken the disability at 20% to the whole body.

10. The accident occurred in the year 2021. As per the guidelines issued by the Karnataka State Legal Services Authority, the notional income of the claimant is taken at Rs.14,250/- per month. By applying the multiplier of 17, in terms of the judgment of the Hon'ble Supreme Court in the case of the **Sarla Verma v. Delhi Transport Corporation**, reported in **(2009) 6 SCC 121**, and considering the disability at 20%, the claimant is entitled to compensation of Rs.5,81,400/- ($14,250 \times 12 \times 17 \times 20\%$) towards loss of future income due to permanent disability.

Heads	Amount (Rs.)
Pain and suffering	50,000
Medical expenses	90,000
Conveyance charges	20,000
Loss of income during treatment	57,000



Heads	Amount (Rs.)
(Rs.14,250 × 4 months)	
Loss of future income due to permanent disability	5,81,400
Loss of future amenities	50,000
Total	8,48,400
Compensation awarded by the Tribunal	6,98,000
Enhanced compensation	1,50,400

11. After deducting the compensation already awarded by the Tribunal, the claimants are entitled to enhanced compensation of Rs.1,50,400/- in the above appeal.

12. Thus, in MFA No. 201866 of 2022, the claimant is entitled to total compensation of Rs.6,95,600/-, and in MFA No. 202650 of 2022, the claimant is entitled to total compensation of Rs.8,48,400/-, with interest at 6% per annum from the date of petition till realization.



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13. Accordingly, the appeals are ***allowed in part.***

The common judgment and award passed by the Tribunal are modified to the extent indicated above.

14. The respondent-Insurance Company is directed to deposit the entire compensation amount within a period of six weeks from the date of receipt of a copy of this order.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 19
CT:PK