



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

MISC. FIRST APPEAL NO.201793 OF 2022 (MV-I)

C/W

MISC. FIRST APPEAL NO.203653 OF 2024 (MV-I)

IN MFA No.201793/2022

BETWEEN:

1. DILIPREDDY S/O VEERAPPA REDDY KONTAMBE
AGED ABOUT 48 YEARS,
OCC: AGRICULTURE AND COOLIE NOW NIL
R/O: CHANDKAPUR VILLAGE,
TQ: BASAVAKALYAN,
DIST: BIDAR-585401.



...APPELLANT

(BY SRI. RAVI B PATIL.,ADVOCATE AND SMT. VEERANI V. NANDI, ADVOCATE)

AND:

1. TUKARAM S/O NAMDEV NADDE,
AGE. MAJOR, OCC: BUSINESS AND OWNER OF
MAHINDRA AND MAHINDRA, MAXI CAB MINI VAN,
R/O: CHANKAPUR VILLAGE,
TQ: BASAVAKALYAN
DIST: BIDAR 585401.



NC: 2026:KHC-K:1847
MFA No. 201793 of 2022
C/W MFA No. 203653 of 2024

2. THE MANAGER,
SRIRAM GENERAL INSURANCE CO. LTD
E-8 EPIP SITAPUR,
INDUSTRIAL AREA, JAIPUR,
RAJASTHAN-302001.

...RESPONDENTS

(BY SRI. SUDARSHAN M., ADVOCATE FOR R2
VIDE ORDER DATED 07.11.2022 NOTICE TO R1 IS DISPENSED
WITH)

THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V.
ACT, PRAYING TO A) CALL FOR THE RECORDS IN MVC
NO.09/2019 ON THE FILE OF SENIOR CIVIL JUDGE AND ADDL.
MACT, AT BASAVAKALYAN. B) MODIFY THE JUDGMENT AND
AWARD DATED 17.02.2022 PASSED BY THE COURT OF SENIOR
CIVIL JUDGE AND ADDL. MACT, AT BASAVAKALYAN AND
CONSEQUENTLY ALLOW THE PRESENT APPEAL THEREBY
ENHANCE THE COMPENSATION Rs.15,00,000/- AS CLAIMED IN
THE PRESENT APPEAL, IN THE INTEREST OF JUSTICE AND
EQUITY. C) PASS AN ORDER AS TO COSTS OF THE PRESENT
APPEAL. D) PASS SUCH OTHER ORDERS AS THIS HONOURABLE
COURT DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THE
CASE, IN THE INTEREST OF JUSTICE AND EQUITY.



IN MFA NO.203653/2024

BETWEEN:

1. THE MANAGER SRIRAM GENERAL INSURANCE
COMPANY LTD.,
EPIP, SITAPUR, INDUSTRIAL AREA, JAIPUR
RAJASTHAN VIDE POLICY NO.10003/31/16/533900
VALID FROM 22-01-2016 TO 21-01-2017
...APPELLANT
(BY SRI. SUDARSHAN M.,ADVOCATE)

AND:

1. DILIPREDDY S/O VEERAPPA REDDY KONTAME
AGE: 50 YEARS OCC: AGRI AND COOLIE, NOW NIL
R/O: CHANDKAPUR VILLAGE TQ: BASAVAKALYAN
2. TUKARAM S/O NAMDEVE NADDEE
AGE: MAJOR OCC: BUSINESS AND OWNER OF
MAHINDRA AND MAHINDRA MAXI CAB MINI VAN
BEARING REG.NO.KA-56/910.
R/O: CHANKAR TQ: BASAVAKALYAN
DIST: BIDAR-585301.
...RESPONDENTS
(BY SRI. RAVI B. PATIL, ADVOCATE AND SMT. VEERANI V.
NANDI, ADVODATE FOR R1)

THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V.
ACT, PRAYING TO A) CALL FOR RECORDS IN
MVC.NO.09/2019 ON THE FILE OF SENIOR CIVIL JUDGE
AND ADDL. MACT, AT BASAVAKALYAN, B) SET ASIDE THE
JUDGMENT AND AWARD DATED 17-02-2022 PASSED IN
MVC.NO.09/2019 BY THE SENIOR CIVIL JUDGE AND ADDL.
MACT, AT BASAVAKALYANA, C) PASS SUCH OTHER
ORDERS/RELIEFS AS THIS HONOURABLE COURT DEEMS
FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF
THE CASE.

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



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

ORAL JUDGMENT

These appeals are arising out of the judgment and award dated 17.02.2022 in MVC.No.9/2019 on the file of Senior Civil Judge and Additional MACT, Basavakalyan awarding compensation.

02. The claimant has preferred MFA.No.201793/2022 seeking enhancement of compensation and the insurance company has preferred MFA.No.203653/2024 challenging liability as well as the quantum of compensation awarded by the Tribunal.

03. The relevant facts for adjudication of these appeals are that, on 18.08.2016, the claimant was slept in front of his house on open plot and at that time, the driver of the Mahindra and Mahindra Vehicle bearing Reg.No.KA-56-910 dashed to the claimant and on account of the same, the claimant sustained serious injuries. Hence, the claimant preferred MVC.No.9/2019 seeking compensation.



04. In order to prove his case, claimant has examined himself as PW.1 and produced 17 documents which are marked as Exs.P.1 to 7. On the other hand, no oral or documentary evidence by the respondents.

05. The Tribunal, after considering the material on record, by its judgment and award dated 17.02.2022, awarded the compensation of Rs.3,10,400/- with interest at the rate of 6% per annum from the date of the petition till its realization.

06. Feeling aggrieved by the same, both the claimant and the insurance company has preferred these appeals.

07. Sri. Sudarshan M., learned counsel appearing for the insurance company argued that the award of compensation made by the Tribunal is on the higher side as the claimant has not examined the doctor as to the disability and therefore, sought for reduction of the compensation. It is further argued that the driver of the vehicle in question did not possess the driving license as per the charge-sheet at Ex.P.8 and accordingly, sought for interference of this Court.



08. *Per contra*, Smt. Veerani V. Nandi, the learned counsel appearing for the claimant sought to justify the liability as to the payment of compensation is concerned and further it is argued that the award of compensation is meager, which requires to be enhanced.

09. In the light 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 18.08.2016, in which the claimant sustained grievous injuries.

10. Undisputably, the claimant has not proved the disability by examining the treating doctor and therefore, the Tribunal has committed an error in taking the disability to the extent of 15%. It is also to be noted from Ex.P.3 wherein the charge-sheet has been laid against the driver of the vehicle in question under Section 181 of M. V. Act. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of **Pappu**



and Others vs. Vinod Kumar Lamba and Another

reported in **(2018) 3 SCC 208**, the insurance company be directed to pay the compensation to the claimant and thereafter, recover the same from the owner of the vehicle in question as to the violation of the terms and conditions of the policy.

11 Insofar as the award of compensation is concerned, I have already arrived at the conclusion that the claimant is not entitled for compensation as to permanent disability and for further medical expenses. In that view of the matter, the award of compensation is reassessed as follows:-

Heads	Amount
Pain and suffering	Rs.50,000/-
Medical expenses	Rs.1,00,000/-
Towards nourishment	Rs.20,000/-
Towards conveyance	Rs.20,000/-
Loss of income during laid up period	Rs.35,000/-
Total	Rs.2,25,000/-



12. Thus, the claimant is entitled for total compensation of **Rs.2,25,000/-** with interest at the rate of 6% per annum from the date of petition till its realization, as against **Rs.3,10,400/-** as awarded by the Tribunal.

13. In the result, I pass the following:

ORDER

- I. The appeal filed by the claimant in MFA.No.201793/2022, is allowed in part.
- II. The appeal filed by the insurance company in MFA.No.203653/2024, is allowed in part.
- III. The judgment and award dated 17.02.2022 in MVC.No.9/2019 passed by the Tribunal is thereby modified and the claimant is entitled for total compensation of **Rs.2,25,000/-** with interest at the rate of 6% per annum from the date of the petition till its realization, as against **Rs.3,10,400/-** as awarded by the Tribunal.



IV. The appellant - Insurance Company is directed to pay the said compensation to the claimant within a period six weeks from the date of receipt of certified copy of this judgment and thereafter, recover the same from the owner of the vehicle in question.

V. The amount in deposit be transmitted to the Tribunal forthwith.

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

In MFA.No.201793/2022, Sri. Sudarshan M. the learned counsel is permitted to file memo of appearance for respondent No.2, within four weeks from today



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C/W MFA No. 203653 of 2024

In MFA.No.203653/2024, Smt. Veerani V. Nandi,
the learned counsel is permitted to file the power on
behalf of the respondent No.1 within two weeks from
today.

Sd/-
(E.S.INDIRESH)
JUDGE

KJJ
List No.: 1 Sl No.: 43
CT:PK