



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO. 202295 OF 2022 (MV-I)

BETWEEN:

BABURAO,
S/O. RANAPPA MADANKAR
AGE 44 YEARS,
OCC. AGRICULTURE (NOW NIL)
R/O. RAJ SULTANPUR VILLAGE,
TQ.& DIST. KALABURAGI.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. K.P. VENTACHALAM
PARTNER, SRE SAKTHIVEL BOREWELL COMPANY,
#21, NEAR AYYAPPA TEMPLE, ATTIBELE,
ANEKAL TALUK, BENGALURU.
2. THE LEGAL MANAGER
IFFCO-TOKIO GENERAL INSURANCE CO.LTD,
G1,G2,G12 AND G13, ASIAN ARCADE
NEAR ANAND HOTEL, S.B TEMPLE ROAD,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. SUBHASH MALLAPUR, ADV. FOR R2;
V/O. DATED 24.11.2022, NOTICE TO R1 IS DISPENSED WITH)

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Location:
HIGH COURT
OF
KARNATAKA



THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE III ADDL SENIOR CIVIL JUDGE AND MACT, KALABURAGI, IN MVC NO. 1083/2018 DATED 11.11.2021, BY ENHANCING THE COMPENSATION AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. This appeal is filed by the claimant against the Judgment and award dated 11.11.2021 in MVC No.1083/2018 by the III Additional Senior Civil Judge and MACT, Kalaburagi (for short 'the tribunal').

2. The injured claimant met with road traffic accident and suffered grievous injuries for which he has taken treatment in the hospital. He filed a claim petition seeking compensation for the injuries suffered by him by claiming a sum of Rs.16,50,000/-. The tribunal after considering the entire material on record, awarded a sum of Rs.5,66,404/- along with 6% interest per annum from the date of petition till realization. Aggrieved by the said



Judgment and award, the claimant has preferred the present appeal seeking enhancement of the compensation, in which it is contended that, the disability taken by the tribunal at 13% is on lower side. Considering the nature of injuries sustained by the claimant, this Court finds it proper to consider the disability at 30%. The future prospects were not added to the income of the petitioner while granting the compensation under the head of loss of future income. The amounts granted under the head of pain and sufferings is meager and as per the evidence of P.W.2 - Doctor an artificial foot is required for normal functioning and it costs Rs.60,000/- to Rs.70,000/-. The tribunal granted meager amount and thus he requested for enhancement of the compensation. As per the wound certificate, the claimant sustained grievous injuries. He was admitted in the Hospital on 27.01.2018 and discharged on 19.02.2018 and thus, he was hospitalized for 24 days. The claimant sustained the following fractures :

(i) Fractures of 2nd 3rd proximal phalanges – Ct of 2nd 3rd toes and amputation of ct little toe;



- (ii) *Fracture of drasteris of patre symphysis;*
- (iii) *Rt Sacrotiac joint fracture submaxation;*
- (iv) *Fracture of 4-5 bones;*
- (v) *Fracture of nasal bones.*

3. Considering the fact that, there is malunited fracture of proximal and there is amputation of ct little toe, fracture of drasteris of patre symphysis, Rt. Sacrotiac joint fracture submaxation and fracture of 4 to 5 bones and nasal bones and thus, this Court finds it reasonable to consider the disability at 30% instead of 13%. There is no dispute regarding the income of the petitioner and since it is a case of amputation, he is also entitled for 25% towards future prospects. Thus, the loss of future income would be as under:

$$\text{Rs.11,750/-} + 25\% \times 12 \times 14 \times 30\% = \text{Rs.7,40,224/-}$$

4. This Court finds it reasonable to grant a sum of Rs.75,000/- towards pain and sufferings. Remaining compensation amount granted under different heads are proper and reasonable and needs no interference. The total compensation granted by this Court is as under:



Sl.No.	Heads of compensation	Amount
1	Loss of future earnings	Rs.7,40,224/-
2	Pain and sufferings	Rs.75,000/-
3	Medical expenses	Rs.1,74,534/-
4	Loss of earnings during laid up period	Rs.35,250/-
5	Nutritious food and attendant charges	Rs.30,000/-
6	Loss of future amenities and loss of happiness	Rs.30,000/-
	Total	Rs.10,85,008/-

5. Learned counsel for the Insurance company submits that, the Insurance company has already deposited the compensation amount awarded by the tribunal before the tribunal.

6. Accordingly, the following order:

ORDER

(i) The appeal is allowed in part;

(ii) The claimant is entitled to total compensation of Rs.10,85,008/- along with interest at the rate of 6% interest till the date of realization;

(iii) The respondent No.2-Insurance company is directed to deposit the balance compensation of Rs.5,18,604/- along with 6%



NC: 2025:KHC-K:6076
MFA No. 202295 of 2022

interest within a period of one month from the date of this order;

(iv) On such deposit by the Insurance company, the claimant is permitted to withdraw the entire amount along with interest accrued thereon.

Sd/-
(P SREE SUDHA)
JUDGE

SVH
List No.: 1 Sl No.: 52
CT:RJ