



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 202487 OF 2022 (MV-I)

BETWEEN:

MOHAN SINGH S/O DEVA SINGH,
AGE: 69 YEARS, OCC: SECURITY GAURD (NOW NIL),
R/O MADANPUR GALLI, YADAGIRI,
TQ. AND DISTRICT. YADAGIRI.

...APPELLANT

(BY SRI VEERANAGOUDA MALIPATIL, ADVOCATE)

AND:

1. SIDDAPPA S/O BANNAPPA,
AGE: 46 YEARS, OCC: OWNER OF MOTOR CYCLE
BEARING REG. NO.KA-33/J-4287,
R/O UPPARWADI, W.NO.31, DURGA NIWAS,
WALMIKI NAGAR, YADAGIRI,
TQ. AND DIST. YADAGIRI-585201.
2. THE DIVISIONAL MANAGER,
NATIONAL INSURANCE CO. LTD.,
BILGUNDI COMPLEX, OPP. MINI VIDHANA SOUDHA,
KALABURAGI-585102.
TQ. AND DIST. KALABURAGI.

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
V/O DTD.23.05.2023 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO ALLOW THE APPEAL, JUDGMENT AND AWARD DATED 31.03.2022 IN MVC NO.183/2021 PASSED BY THE LEARNED MEMBER, MACT-II AT YADGIR, MAY KINDLY BE MODIFIED BY ENHANCING THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION.

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

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

ORAL JUDGMENT

This appeal is directed against the judgment and award dated 31.03.2022 passed in MVC No. 183 of 2021 by the MACT-II, Yadagiri (for short, "the Tribunal"), whereby compensation was awarded to the claimant.

2. For the sake of convenience, the parties in this appeal are referred to according to their status and ranking before the Tribunal.



3. I have heard Sri Veeranagouda Malipatil, learned counsel appearing for the appellant, and Sri Manvendra Reddy, learned counsel appearing for the respondent-Insurance Company. I have also perused the records.

4. In light of the arguments advanced by the learned counsel for the parties, there is no dispute regarding the occurrence of the road traffic accident on 08.01.2021, in which the claimant sustained grievous injuries. On perusal of the evidence of PW-2, the treating Doctor has deposed that the claimant suffered disability to the extent of 34%. However, the Tribunal has taken the disability at 12%, which requires modification and I am of the opinion that, the Tribunal ought to have taken disability to the extent of 15%.



5. 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 5, 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 taking the disability at 15%, the claimant is entitled to compensation of Rs. 1,28,250/- ($14,250 \times 15\% \times 12 \times 5$) towards loss of future income due to permanent disability.

Heads	Amount (Rs.)
Pain and suffering	50,000
Medical expenses	1,28,221
Removal of implant	20,000
Attendant charges	20,000
Loss of income during treatment ($14,250 \times 3$ months)	42,750
Loss of future income due to permanent	1,28,250



disability	
Loss of future amenities	50,000
Total	4,39,221
Less: Compensation awarded by the Tribunal	3,46,221
Enhancement of compensation	93,000

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

7. After deducting the compensation already awarded by the Tribunal, the claimant is entitled to an enhanced compensation of Rs. 93,000/-.

8. Thus, the claimant is entitled to a total compensation of Rs. 4,39,221/- with interest at 6% per annum from the date of the petition till realization.



9. Accordingly, the appeal is ***allowed in part***. The judgment and award passed by the Tribunal are modified to the extent indicated above.

10. 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 certified copy of this order.

11. Sri. Manvendra Reddy, learned counsel, is permitted to file a memo of appearance for respondent No. 2 within four weeks.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 2
CT:PK