



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

MISCL. FIRST APPEAL NO. 203053 OF 2024 (MV-I)

BETWEEN:

SOMU @ SOMANNA S/O JATTEPPA KOLLI,
AGE: 26 YEARS, OCC: DRIVER,
RESIDENT OF KONKANGAON, TQ. INDI, DIST.
VIJAYAPURA-586205.

...APPELLANT

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. VIJAYKUMAR S/O MAHANTESH GIRIJA,
AGE: 43 YEARS, OCC: BUSINESS,
RESIDENT OF CHITTARAGI, TQ. HUNGUND,
DIST. BAGALKOT-587118.
2. THE MANAGER LEGAL/CLAIMS,
IFFICO TOKIO GENERAL INSURANCE
COMPANY LIMITED,
1ST FLOOR, BESIDE HOTEL MEGHARAJ
STATION ROAD, VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI S.S. ASPALLI, ADVOCATE FOR R2;
V/O DTD.21.11.2025 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO ALLOW THIS APPEAL AND ENHANCE THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION BY MODIFYING THE JUDGMENT AND AWARD DATED 13-03-2023 PASSED BY THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AND MEMBER, MACT AT VIJAYAPURA IN MVC NO. 873/2021.

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

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

ORAL JUDGMENT

1. Heard the learned counsel for the parties.
2. This appeal is preferred by the claimant assailing the Judgment and award dated 13.03.2023 passed in MVC No.873/2021 on the file of the Principal Senior Civil Judge and MACT-V, at Vijayapura, awarding compensation to the claimant.
3. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.
4. The relevant facts for adjudication of this appeal are that, on 27.01.2021, the claimant was removing wheel of his tractor bearing registration No.MH-10/BX-4918 which



was stationed on the Hubballi-Vijayapura road and at that time, a car bearing registration No.KA-51/MB-0376 came from opposite direction and dashed to the claimant and the tractor, resulting in an accident and as such, the claimant sustained grievous injuries.

5. Hence, the claimant filed MVC No.873/2021 seeking compensation. After service of notice, the respondent-Insurance company entered appearance and filed detailed written statement.

6. The Tribunal after considering the material on record by its Judgment and award dated 13.03.2021 awarded compensation of Rs.2,73,800/- along with interest at the rate of 6% per annum from the date of petition till the date of realization. The Tribunal having taken note of the factual aspects on record, has answered Issue No.1 holding that the claimant herein has been charge-sheeted along with the driver of the car and as such, the driver of the tractor and the driver of the car are liable to an extent of 50:50,



respectively. Feeling aggrieved by the same, the claimant has preferred the present appeal.

7. Heard Sri. Sanganagouda V. Biradar, learned counsel appearing for the claimant and Sri. S.S.Aspalli, learned counsel appearing for the Insurance company.

8. It is argued by the learned counsel appearing for the appellant that, the Tribunal has committed an error in holding that the claimant has contributed towards the accident to an extent of 50% and therefore, sought for interference of this Court. It is also argued that the award of compensation requires to be enhanced.

9. Per contra, learned counsel appearing for the respondent-Insurance company sought to justify the impugned Judgment and award passed by the Tribunal.

10. Having taken note of the submission made by the learned counsel appearing for the parties, the reasons assigned by the Tribunal as to the Issue No.1 makes it clear that, the Tractor was parked in the middle of the road



without there being any precautionary measures and parking lights. The Tribunal has thoroughly examined Ex.P.6-charge-sheet wherein, the investigation Officer has arrived at a conclusion that there is negligence on the part of the driver of the car as well as the claimant being driver of the Tractor. In that view of the matter, taking into consideration the finding recorded by the Tribunal, I am of the view that, the contributory negligence to an extent of 50% on the claimant is just and proper which does not call for interference in this appeal.

11. Insofar as the quantum of compensation is concerned, P.W.2 – Doctor has stated that, 18% as to the disability to the claimant however, by looking into the nature of the injuries, I am of the view that the Tribunal ought to have taken 10%. Since the accident is of the year 2021, as per the guidelines of the Karnataka State Legal Services Authority, the monthly income of the claimant is to be taken at Rs.14,250/-. By applying appropriate multiplier of '18', the claimant is entitled for Rs.3,07,800/- (Rs.14,250/- X 12 X 18 X 10%) towards loss of future income. By looking into the



grievous injuries sustained by the claimant, the award of compensation as to the remaining heads are as follows:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.3,07,800/-
2	Pain and sufferings	Rs.50,000/-
3	Medical expenses	Rs.48,100/-
4	Conventional head	Rs.20,000/-
5	Nutrition and diet	Rs.20,000/-
6	Loss of income during laid up period	Rs.42,750/-
7	Loss of amenities	Rs.50,000/-
	Total	Rs.5,38,650/-

12. Accordingly, the following order:

ORDER

- (i) The appeal is allowed in-part;
- (ii) The contributory negligence to the accident in question is saddled in the ratio of 50:50 on the claimant/appellant and the driver of the car;
- (iii) The claimant is entitled for 50% of the total compensation of Rs.5,38,650/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;
- (iv) The respondent No.2-Insurance company is liable to pay 50% of the total



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compensation along with interest within a period of six weeks from the date of this order;

(v) Vide order dated 21.11.2025, the claimant is not entitled for interest for the period of 423 days in filing the appeal.

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 Sl No.: 48
CT:PK