



NC: 2025:KHC-K:6169
MFA No. 200948 of 2019
C/W MFA No. 200949 of 2019
MFA.CROB No. 200060 of 2019

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.200948 OF 2019 (MV-I)

C/W

MISCL. FIRST APPEAL NO.200949 OF 2019 (MV-I).

MFA CROSS OBJ NO.200060 OF 2019 (MV-I)

IN MFA NO.200948/2019:

BETWEEN:

THE DIVISIONAL CONTROLLER,
NEKRTC RAICHUR, DIVISION, RAICHUR,
NOW THROUGH ITS CHIEF LAW OFFICER,
NEKRTC, CENTRAL OFFICE, SARIGE SADAHANA,
MAIN ROAD, KALABURAGI,
NOW THROUGH ITS AUTHORISED SIGNATORY.

...APPELLANT

(BY SRI. SHARANABASAPPA M. PATIL, ADVOCATE)

AND:

1. SRI. PUNDALIK @ PUNDALIKRAO
S/O NAGOJI JAMADAR,
AGE: 61 YEARS, OCC: COOLIE, NOW NIL,
R/O CHIMMANCHOD, TQ. CHINCHOLLI,
DIST. GULBARGA,
PRESENTLY R/O ADARSH NAGAR,
GULBARGA-585 101.

Digitally signed
by SUMITRA
SHERIGAR
Location: HIGH
COURT OF
KARNATAKA



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2. SRI. TUKARAM S/O VITHAL MANE,
AGE: MAJOR, OCC: BUS DRIVER,
R/O HONNALLI, TQ. ALAND,
DIST. GULBARGA-585 302.

...RESPONDENTS

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADV. FOR R1;
V/O DTD. 18.06.2019, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, 1988, PRAYING TO MODIFY THE ORDER OF THE TRIBUNAL AND CALL FOR THE LOWER COURT RECORDS AND HEAR THE PARTIES AND SET ASIDE THE JUDGMENT DATED 06.02.2019 AND AWARD DATED 12.02.2019 IN MVC NO.227/2015 IN THE COURT OF III ADDL. SENIOR CIVIL JUDGE AND MACT, KALABURAGI.

IN MFA NO.200949/2019:

BETWEEN:

THE DIVISIONAL CONTROLLER,
NEKRTC RAICHUR, DIVISION RAICHUR,
NOW THROUGH ITS CHIEF LAW OFFICER,
NEKRTC, CENTRAL OFFICE, SARIGE SADAHANA,
MAIN ROAD, KALABURAGI,
NOW THROUGH ITS AUTHORISED SIGNATORY.

...APPELLANT

(BY SRI. SHARANABASAPPA M. PATIL, ADVOCATE)

AND:

1. SMT. SHAMLABAI @ SHAMALA
W/O PUNDLIK JAMADHAR,
AGE: 51 YEARS, OCC: COOLIE, NOW NIL,



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R/O CHIMMANCHOD, TQ. CHINCHOLLI,
DIST. GULBARGA,
PRESENTLY R/O ADARSH NAGAR,
GULBARGA-585 101.

2. SRI. TUKARAM S/O VITHAL MANE,
AGE: MAJOR, OCC: BUS DRIVER,
R/O HONNALLI, TQ. ALAND,
DIST. GULBARGA-585 302.

...RESPONDENTS

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADV. FOR R1;
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VEHICLES ACT, 1988, PRAYING TO MODIFY THE ORDER OF
THE TRIBUNAL AND CALL FOR THE LOWER COURT RECORDS
AND HEAR THE PARTIES AND SET ASIDE THE JUDGMENT
DATED 06.02.2019 AND AWARD DATED 12.02.2019 IN MVC
NO.1101/2014 IN THE COURT OF III ADDL. SENIOR CIVIL
JUDGE AND MACT, KALABURAGI.

IN MFA CROSS OBJECTION NO.200060/2019:

BETWEEN:

SMT. SHAMALABAI @ SHAMLA
W/O PUNDALIK JAMADHAR,
AGE: 50 YEARS,
OCC: COOLIE, NOW NIL,
R/O CHIMMANCHOD,
TQ. CHINCHOLI, DIST. KALABURAGI.

...CROSS OBJECTOR

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADVOCATE)



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AND:

1. THE DIVISIONAL CONTROLLER,
NEKRTC RAICHUR, DIVISION RAICHUR,
NOW THROUGH ITS CHIEF LAW OFFICER,
NEKRTC, CENTRAL OFFICE, SARIGE SADANA,
MAIN ROAD, KALABURAGI-585 102.
2. SRI. TUKARAM S/O VITHAL MANE,
AGE: MAJOR, OCC: BUS DRIVER,
R/O HONNALLI, TQ. ALAND,
DIST. GULBARGA-585 102.

...RESPONDENTS

(BY SRI. SHARANABASAPPA M. PATIL, ADV. FOR R1;
V/O DTD. 13.02.2025, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 OF
THE CODE OF CIVIL PROCEDURE, 1908 PRAYING TO ALLOW
THIS APPEAL AND AWARD COMPENSATION OF RS.1,74,000/-
(EXCLUDING THE AMOUNT AWARDED BY THE COMMISSIONER)
ALONG WITH INTEREST AT 12% P.A. BY MODIFYING THE
JUDGMENT AND AWARD OF THE III ADDL. SENIOR CIVIL
JUDGE AND MACT-KALABURAGI, IN MVC NO.1101/2014 DATED
06.02.2019.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA



ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE P SREE SUDHA)

Though the matter is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

2. The Tribunal passed a common order in MVC Nos.227/2015 and 1101/2014. MFA No.200949/2015 is filed by the NEKRTC and MFA Crob No.200060/2019 is filed by the claimant, against the judgment and award dated 06.02.2019 passed by the III Additional Senior Civil Judge and MACT, Kalaburagi, in MVC No.1101 of 2014, whereas MFA No.200948/2019 is filed by the NEKRTC, against the judgment and award in MVC No.227/2015.

3. The cross objector in MFA Crob No.200060/2019 - claimant stated that, she was a coolie and was earning Rs.9,000/- per month; the accident occurred in the year 2013, but the Tribunal has taken her income only at Rs.6,000/- per month; she was aged 45 years and she



also require future medical expenses of Rs.1,02,300/- and the interest is to be enhanced to 12%.

4. Learned counsel for the appellant in MFA No.200949/2019 - Corporation stated that, the Doctor assessed the disability at 32.89%. As the claimant lost four teeth, the disability assessed by the Doctor is on the higher side. The loss of teeth will not cause any hindrance in working, but the Tribunal has wrongly considered the disability at 11%. Therefore, requested to set aside the said judgment.

5. Heard the arguments of both sides.

6. **IN MFA CROB NO.200060/2019:**

As per the wound certificate, the claimant sustained Avulsion of 32 and 41 and abrasion 3x2 cm. – chin. She examined the doctor and he stated that, the injury sustained by the claimant is grievous in nature and she has Mandibular deviation while opening and closing of jaw, missing of 31, 32, 41, 42 (teeth), plaque and calculus,



mild gingival inflammation and enlargement, there was tenderness of both right and left TMJ and thus, he assessed the disability at 32.89%. Learned counsel for the Corporation mainly contended that, the loss of teeth will not interfere with her work. But, admittedly she sustained loss of teeth and the disability assessed by the doctor is 32.89%. The Tribunal has rightly taken 1/3rd of the same as 11%. This Court finds no reason to interfere with the disability assessed by the Tribunal.

7. The claimant met with an accident on 21.10.2013. Though claimant stated that she was earning Rs.9,000/- per month, she failed to prove her income. Hence, as per the guidelines of the Karnataka State Legal Services Authority, this Court finds it reasonable to take her income at Rs.7,000/- per month. The multiplier of 14 adopted by the Tribunal is just and proper.

Thus, the loss of future income comes to Rs.7,000 x 12 x 14 x 11%= Rs.1,29,360/-.



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8. Tribunal has awarded a sum of Rs.25,000/- towards pain and suffering and Rs.15,000/- towards loss of amenities. This Court finds no reason to interfere with the same.

9. Further, this Court finds it reasonable to grant an amount of Rs.15,000/- for transportation, extra nourishment and attendant charges.

10. Hence, the claimant is entitled for the modified compensation under different heads as below:

Pain and suffering	Rs.25,000/-
Loss of future income	Rs.1,29,360/-
Transportation, extra nourishment, and attendant charges	Rs.15,000/-
Loss of amenities	Rs.15,000/-
Total	Rs.1,84,360/-
Less: awarded by Tribunal	Rs.1,51,000/-
Enhancement	Rs.33,360/-

Thus, the appellant is entitled for enhanced compensation of Rs.33,360/- with interest at 6% per annum and therefore, the cross objection deserves to be allowed in part.



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11. **IN MFA NO.200949/2019:**

In view of enhancement made in MFA Crob No.200060/2019, this appeal deserves to be dismissed.

12. **IN MFA NO.200948/2019:**

This appeal is filed by the Corporation against the judgment and award in MVC No.227/2015 stating that, the claimant has sustained simple injuries. He has not examined the doctor and thus, assessing the disability does not arise.

13. Considering the nature of injuries, the Tribunal has granted proper compensation of Rs.30,000/- and this Court does not find any reason to interfere with the same. Hence, the appeal deserves to be dismissed.

14. In the result, the following order is passed:

(i) MFA Crob No.200060/2019 filed by the claimant is allowed in part. The cross objector-claimant is entitled for enhanced compensation of Rs.33,360/- with interest at 6% per annum from the date of petition till the date of



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realisation. However, as per the orders on I.A.1/2021 dated 13.02.2025, the cross objector is not entitled for interest for the delayed period of 147 days in filing the cross objection.

(ii) Consequently, MFA No.200949/2019 filed by the Corporation, disputing the quantum is hereby dismissed.

(iii) The appellant-Corporation in MFA No.200949/2019 is directed to deposit the enhanced compensation of Rs.33,360/- along with interest within one month from the date of this judgment.

(iv) On such deposit, the cross objector is permitted to withdraw the entire amount along with interest accrued on it.

(v) MFA No.200948/2019 filed by the Corporation is also dismissed.

sd/-
(P SREE SUDHA)
JUDGE

LG
List No.: 1 Sl No.: 32