



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

MISC. FIRST APPEAL NO.203120 OF 2023 (MV-I)

BETWEEN:

BASAWARAJ S/O BABURAO SADLAPURE,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O HALIKED (K), WADI, TQ. HUMNABAD,
NOW AT SHAHABAZAR, KALABURAGI.

...APPELLANT

(BY SMT. SRIDEVI J. TUPPAD, ADVOCATE)

AND:

1. MUKTESHWAR DUDHBHATE S/O SHIVARAM,
AGE: 55 YEARS, OCC: BUSINESS,
R/O AT POST SARADWADI, TQ. SHRIRUR,
DIST. PUNE-412 207, MAHARASTRA STATE.
2. LIBERTY VIDEOCON GENERAL INSURANCE
COMPANY LIMITED,
THROUGH ITS MANAGER,
10TH FLOOR, TOWER A PENINSULA BUSINESS PARK,
GANPATRAO KADAM MARG, LOWER PATEL,
MUMBAI-400013

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DTD.11.10.2023 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT, PRAYING TO I) CALL FOR RECORDS AND MODIFY THE JUDGMENT AND AWARD DTD. 17-04-2021 ENHANCE THE COMPENSATION RS. 5,36,770/- AS PRAYED BY THE APPELLANT HEREIN M.V.C. NO. 652/2017 BY THE HONOURABLE IN THE COURT OF THE III ADDL. SENIOR CIVIL JUDGE AND MACT AT KALABURGI BY ALLOWING THE APPEAL. II) ENHANCE THE RATE OF INTEREST AWARDED FROM 6% TO 9% PERCENT IN THE ENDS OF JUSTICE. III) TO GRANT SUCH OTHER RELIEF AS THIS HONOURABLE COURT MAY DEEM FIT.

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

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

ORAL JUDGMENT

This appeal is preferred by the claimant against the judgment and award dated 17.04.2021 in MVC.No.652/2017 on the file of the III Additional Senior Civil Judge and MACT, Kalaburagi, awarding the compensation.

02. Having taken note 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 09.10.2016, in which the claimant sustained grievous injuries.



03. On careful examination of the material on record would indicated that the Tribunal ought to have taken the disability to the extent of 20% as per the nature of injuries sustained by the claimant. Accordingly, as the accident is of the year 2017, the monthly income of the claimant would be Rs.8,750/- as per the guidelines of the Karnataka Legal Services Authority and by applying the appropriate multiplier of 16, the claimant is entitled for Rs.3,36,000/- (Rs.8,750/- x 12 x 16 x 20%) towards loss of future income.

04. The claimant is entitled for enhancement compensation as to the other heads which are as under:-
which reads as :-

Heads	Amount
Pain and suffering	Rs.50,000/-
Loss of future income	Rs.3,36,000/-
Attendant, food and conveyance charges.	Rs.35,000/-
Medical expenses	Rs.1,34,870/-
Loss of income during treatment period (Rs.8,750/- x 6)	Rs.52,500/-
Loss of amenities	Rs.50,000/-
Total	Rs.6,58,370/-
Less: awarded by Tribunal	Rs.5,36,770/-
Enhancement	Rs.1,21,600/-



05. Thus, the claimant is entitled for enhanced compensation of **Rs.1,21,600/-** with interest at the rate of 6% per annum from the date of petition till its realization.

06. In the result, I pass the following:

ORDER

- I. The appeal filed by the claimant is allowed in part.
- II. The appellant - claimant is entitled for enhanced compensation of **Rs.1,21,600/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.
- III. Respondent No.2 - Insurance Company is directed to deposit the aforesaid compensation amount within six weeks from the date of receipt of certified copy of this judgment.



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

Smt. Preethi Patil Melkundi, the learned counsel is permitted to file memo of appearance for the respondent No.2 within four weeks from today.

Learned counsel appearing for the appellant, undertakes to pay the cost of Rs.1,000/- imposed by this Court as per order dated 29.08.2025, within two days,

If the order dated 29.08.2025 is not complied with, the claimant is not entitled for the certified copy of the order passed by this Court.

Sd/-
(E.S.INDIRESH)
JUDGE

KJJ
List No.: 1 Sl No.: 0
CT:PK