



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCL. FIRST APPEAL NO.202893 OF 2022 (MV-I)

BETWEEN:

MAHESH S/O TIMMAYYA,
AGE: 19 YEARS, OCC: STUDENT,
R/O LAXMIPURWADI, TQ. CHITTAPUR,
DIST. KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. SOMATAI KASHUNG S/O MANINGLAM,
AGE: MAJOR, OCC: OWNER OF CAR
NO.KA-32/P-7421,
R/O HINDUSTAN PETROLEUM CORP. LTD.,
KIADB INDUSTRIAL AREA, SHAHABAD ROAD,
KALABURAGI-585104.

2. IFFCO-TOKIO GENERAL INSURANCE COMPANY LTD.,
THROUGH ITS MANAGER,
3RD FLOOR, NEAR SVP CIRCLE,
STATION ROAD, KALABURAGI-585102.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
V/O DATED 07.02.2023, NOTICE TO R1 IS D/W)





THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, PRAYING TO CALL FOR THE ENTIRE LOWER COURT RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 8-7-2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE & MACT AT CHITTAPUR IN MVC NO. 359/2021 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY. B) THE HON'BLE COURT BE PLEASED TO HOLD BOTH THE RESPONDENTS JOINTLY AND SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION TO THE APPELLANT.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri Sanjeev Patil, learned counsel for the appellant as well as Smt. Preeti Patil Melkundi, learned counsel for respondent No.2.

2. Aggrieved by the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Chittapur through orders in MVC No.359/2021 dated 08.07.2022, the claimant therein preferred this appeal.

3. As against the claim for Rs.16,00,000/- in total, the Tribunal held that the appellant is entitled to a sum of Rs.5,71,100/- as compensation. Attributing contributory



negligence on part of the appellant to 50%, Tribunal directed respondents to pay the appellant a sum of Rs.2,85,550/- (50% of the entitled sum). Aggrieved by the same, this appeal is filed.

4. Learned counsel for the appellant contends that Tribunal at paragraph No.20 of the impugned order held that the appellant was aged around 17 years as on the date of accident. In case the judgment rendered by Hon'ble Apex Court in the case between *Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhairabari & Anr.* in Civil Appeal No.10278/2025 is applied, the appellant will receive huge sum as compensation. However as contributory negligence is attributed on the part of the appellant which appellant is not disputing and as the compensation payable by the respondents as per the order of the Tribunal is grossly low, sum granted may be globally enhanced. Learned counsel also submits that appellant is entitled to an additional sum of Rs.4,00,000/-. Out of which Rs.2,00,000/- is required to be payable by respondents and thus appeal be disposed



of by enhancing the compensation by Rs.4,00,000 and directing respondents to pay 50% of the said amount i.e., Rs.2,00,000/-.

5. On the other hand, learned counsel for respondent No.2 states that compensation granted by the Tribunal is justifiable. Learned counsel also submits that based on the nature of injuries sustained, the treatment taken and the disability which the appellant is left with, there may be marginal enhancement.

6. By all the evidence produced, appellant succeeded in establishing that he suffered fracture of left femur, fracture of left radius and he underwent a surgery also. As per the evidence of PW.2, appellant suffers with 35% disability in respect of whole body. Appellant who was aged around 17 years by the date of accident has to lead his entire life though not by 35% disability as assessed by PW.2 but 12% as assessed by the Tribunal in respect of whole body. Parents of the appellant might have incurred huge sum for food, extra nourishment,



attendant and conveyance charges while the appellant took treatment as inpatient and even thereafter till recovery. Hence taking into consideration the nature of injuries sustained, the treatment taken and the aspect of disability and further taking into consideration the contributory negligence on the part of the appellant as assessed by the Tribunal, this Court is of the view that in case respondents are ordered to pay appellant a sum of Rs.1,30,000/- globally, it will be justifiable. Resultantly, following:

ORDER

- I. Appeal is allowed in part.
- II. The order that is rendered by the Motor Accident Claims Tribunal, Chittapur in MVC No.359/2021 dated 08.07.2022 is modified.
- III. The amount which respondent Nos.1 and 2 are jointly and severally ordered to pay to



the appellant is enhanced by
Rs.1,30,000/-.

IV. The enhanced sum shall carry interest at
the rate of 6% per annum from the date of
petition till the date of deposit.

V. Respondent No.2 is directed to deposit the
enhanced sum of Rs.1,30,000/- together
with interest within a period of eight weeks
from the date of receipt of certified copy of
this judgment.

VI. On such deposit, appellant is permitted to
withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

SRT
List No.: 1 SI No.: 40
CT:SI