



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.202921 OF 2022 (MV-I)

BETWEEN:

KIRAN S/O SHIVARAJ ITAGAR,
AGE: 21 YEARS, OCC: MASON,
R/O KADAGANCHI, TQ. ALAND,
DIST. KALABURAGI,
NOW AT ARANKAL, TQ. CHITTAPUR,
DIST. KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. GORAKHNATH NARONI S/O KARABASAPPA,
AGE: MAJOR, OCC: OWNER OF HONDA SHINE
BEARING NO.KA-32/X-5827,
R/O KADAGANCHI, TQ. ALAND,
DIST. KALABURAGI-585 302.
2. THE AUTHORIZED OFFICER,
IFFCO-TOKIO GENERAL INSURANCE CO. LTD.,
1-101/A/TF/2, 3RD FLOOR,
KISHAN KRUPA COMPLEX,
OPP. KANNADA BHAVAN,
SVP CHOWK, KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. SUDARSHAN M., ADV. FOR R2;
V/O DATED 02.01.2023, NOTICE TO R1 IS DISPENSED WITH)

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 14.12.2021 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT AT CHITTAPUR IN MVC NO.536/2020 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR AND HOLD BOTH THE RESPONDENTS JOINTLY AND SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION TO THE APPELLANT.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

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

2. Heard the arguments of both sides.

3. This appeal is filed against the judgment and award dated 14.12.2021 passed by the Senior Civil Judge and MACT, Chittapur, in MVC No.536 of 2020.

4. The facts of the case are that, on 31.01.2020, while the claimant along with his friend Ravi was proceeding on motorcycle bearing registration No.KA-32/ET-04a56 as a pillion rider towards Ghattaragi



Bhagamma Temple, the rider of another motorcycle bearing registration No.KA-32/X-5827 rode it in high speed and rash and negligent manner, lost control over the same and dashed to the claimant's bike, as a result of which, claimant sustained grievous injuries.

5. The injured claimant aged 19 years, working as mason filed a claim petition before the Tribunal claiming compensation of Rs.33,45,000/-. The Tribunal, considering the entire evidence on record, granted compensation of Rs.7,11,900/- with interest at 6% p.a. from the date of petition till realisation and directed respondent No.2- Insurance Company to deposit the same.

6. Aggrieved by the said judgment and award, the injured claimant has preferred this appeal, in which it is contended that, the Tribunal granted meagre amount under the head loss of future earnings. Though he was earning Rs.20,000/- per month, the Tribunal has taken it erroneously as Rs.10,500/- per month. The Tribunal, inspite of taking the disability at 30%, has taken it as 20%



and the amount granted under the other heads is also on the lower side. Therefore, requested for enhancement of compensation.

7. The appellant met with an accident on 31.01.2020. Though he stated that he was earning Rs.20,000/- per month, he has not filed any income proof. Therefore, as per the guidelines of the Karnataka State Legal Services Authority, his notional income is to be taken as Rs.13,750/- per month. The disability of 20% and the multiplier of 18 considered by the Tribunal are just and proper and they need no interference. Thereby, the loss of future earnings comes to Rs.5,94,000 (Rs.13750 x 12 x 18 x 20%).

8. As per the wound certificate, the appellant has sustained the following injuries:

1. Fracture of left ankle
2. Fracture of left wrist
3. Cut wound
4. Lacerated wound over scalp



He was hospitalised for 12 days. The Tribunal has granted Rs.4,800/- for attendant charges for 12 days. This Court finds it reasonable to grant an amount of Rs.12,000/- for attendant charges.

9. The Tribunal has granted an amount of Rs.50,000/- under the head 'pain and suffering', which needs no interference.

10. Considering the nature of injuries, this Court finds it reasonable to grant an amount of Rs.25,000/- for loss of amenities.

11. Taking the income of the appellant at Rs.13,750/- per month, it is reasonable to grant an amount of Rs.41,250/- for loss of income during laid up period (Rs.13,750 x 3).

12. The amounts granted by the Tribunal under other heads i.e., transportation expenses, special diet, medical expenses and future medical expenses are just and proper and needs no interference.



13. Hence, the appellant is entitled for the modified compensation under different heads as below:

Pain and suffering	Rs.50,000/-
Medical expenses	Rs.1,27,000/-
Loss of income during laid up period	Rs.41,250/-
Loss of future earnings	Rs.5,94,000/-
Loss of amenities	Rs.25,000/-
Transportation expenses	Rs.15,000/-
Special diet	Rs.15,000/-
Attendant charges	Rs.12,000/-
Future medical expenses	Rs.15,000/-
Total	Rs.8,94,250/-
Less: awarded by Tribunal	Rs.7,11,900/-
Enhancement	Rs.1,82,350/-

Thus, the appellant is entitled for enhanced compensation of Rs.1,82,350/- with interest at 6% per annum and therefore, the appeal deserves to be allowed in part.

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

(i) Appeal is allowed in part.

(ii) The appellant/claimant is entitled for the enhanced compensation of Rs.1,82,350/- with interest at 6% per annum from the date of petition till the date of



realisation. However, as per order dated 06.01.2023, the appellant is not entitled for interest for the delayed period of 147 days in filing the appeal.

(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment.

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

sd/-
(P SREE SUDHA)
JUDGE

LG
List No.: 1 Sl No.: 61