



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO.201690 OF 2019 (MV-I)

BETWEEN:

BRANCH MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
FIRST FLOOR, PADMAKUNJ COMPLEX,
ABOVE IDBI BANK, UDGIR ROAD,
BIDAR,

(NOW BY AUTHORISED SIGNATORY,
REGIONAL OFFICE, PINTO ROAD,
HUBLI).

...APPELLANT

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE)

AND:

1. PANDARI @ PANDHARI S/O BHIMRAO,
AGE: 29 YEARS, OCC: DRIVER ON TRUCK,
R/O. MALEGOAN VILLAGE, TQ. AURAD,
DIST. BIDAR-585 401.
2. GURUCHARAN SINGH S/O HARBHAJANSINGH,
AGE: MAJOR, OCC: BUSINESS,
R/O. PLOT. NO.205, LOHARA, TQ. KAMPTEE,
DIST. NAGPUR (M.S)-440 001.

...RESPONDENTS

(R1 SERVED;
V/O DTD.29.01.2026 NOTICE TO R2 IS DISPENSED WITH)

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LUCYGRACE

Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO ALLOW THE ABOVE APPEAL BY SETTING ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED 07.06.2019 IN MVC NO.679/2016 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AND MACT AT AURAD-B.

THIS APPEAL, COMING ON FOR ADMISSION, 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 appellant.
2. This appeal is arising out of the Judgment and award dated 07.06.2019 passed in MVC No.679/2016 by the Senior Civil Judge and JMFC Court and MACT, Aurad-B, (for short 'the Tribunal') 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. It is the case of the claimant that, on 13.06.2016 the claimant sustained grievous injuries on account of the involvement of the vehicle in question bearing registration No.MH-40/Y-1978 and T.S.08/UB-0185. Hence, the claimant has filed MVC No.679/2016 seeking compensation.



5. After service of notice, the respondent-Insurance company entered appearance and contested the matter on merits.

6. The Tribunal after considering the material on record, vide its Judgment and award dated 07.06.2019 awarded compensation of Rs.7,57,000/- along with interest at the rate of 6% per annum from the date of petition till the date of realization. Being aggrieved by the same, the Insurance company has preferred this appeal.

7. Smt. Preeti Patil Melkundi, learned counsel appearing for the appellant contended that, the claimant was an inmate in the container vehicle bearing registration No.T.S.08/UB-0185 and the said vehicle was stationed and it was hit from the backside by the insured truck bearing registration No.MH-40/Y-1978 and therefore, the liability fixed on the vehicle insured with the appellant alone is incorrect and the facts on record has not been considered by the Tribunal and accordingly sought for interference of this Court.



8. It is also argued by the learned counsel appearing for the appellant that, the award of compensation and the interest by the Tribunal requires to be interfered in this appeal.

9. Having taken note of the submission made by the learned counsel for the appellant, it is not in dispute as to the grievous injuries sustained by the claimant on 13.06.2016 involving two vehicles in question. Having taken note of the documents produced at Ex.P.3, I am of the view that, the contentions raised by the learned counsel appearing for the appellant as to the contributory negligence on the ground that the vehicle of the stationed vehicle cannot be considered.

10. However, insofar as the award of compensation is concerned the Tribunal has taken the income of the claimant at Rs.6,000/- per month and after applying the multiplier of '14' as to the disability to the extent of 20% has awarded compensation of Rs.6,72,000/- towards partial disablement which requires to be interfered with as the mathematical calculation made by the Tribunal requires to be rectified.

11. In that view of the matter, taking into account the guidelines of the Karnataka State Legal Services Authority to fix



the notional income of the claimant and as the accident is of the year 2016, it is appropriate to take the monthly income of the claimant at Rs.8,750/- and by applying the multiplier of '14' by taking into account the disability to the extent of 20%, the claimant is entitled for Rs.2,94,000/- ($\text{Rs.8,750/-} \times 12 \times 14 \times 20/100$) towards loss of future income. The Tribunal has rightly awarded a sum of Rs.25,000/- towards pain and sufferings and Rs.60,000/- towards medical expenses. Hence, the claimant is entitled for the following modified compensation:

Sl.No.	Heads of compensation	Amount
1	Loss of earning capacity	Rs.2,94,000/-
2	Medical expenses	Rs.60,000/-
3	Pain and sufferings	Rs.25,000/-
	Total	Rs.3,79,000/-

12. It is also noted that, the Tribunal has awarded 8% interest on the compensation amount which is on the higher side. The same requires interference. Hence, the rate of interest is reduced to 6% per annum from 8% as awarded by the Tribunal.

13. Accordingly, the following order:



ORDER

(i) The appeal is allowed in-part;

(ii) The compensation amount award by the Tribunal in a sum of Rs.7,57,000/- is reassessed and reduced to Rs.3,79,000/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 Sl No.: 19
CT:PK