



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

MISCL. FIRST APPEAL NO.200121 OF 2023 (MV-I)

BETWEEN:

1. ISMAIL S/O MEHTABSAB,
AGE: 06 YEARS, MINOR,
OCC: NIL, U/G OF HIS FATHER
MEHTABSAB S/O NASARUDDIN,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O DEVANTAGI, TQ. ALAND,
DIST. KALABURAGI.

...APPELLANT

(BY SRI. SANJEEV PATIL, ADVOCATE)

AND:

1. ASST. EXECUTIVE ENGINEER (EL)
O AND M DIVISION-1,
GESCOM, KALABURAGI-585 101.
2. THE KARNATAKA GOVERNMENT INSURANCE
DEPARTMENT
MOTOR BRANCH, BENGALURU-560 001,
THROUGH ITS BRANCH OFFICE, KGID OFFICE,
BAMBOO BAZAR, KALABURAGI,
THROUGH ITS OFFICER,
KGID, KALABURAGI-585 103.

...RESPONDENTS

(BY SRI. SHESHADRI JAISHANKAR, AGA FOR R2;
V/O DTD. 19.01.2023, NOTICE TO R1 DISPENSED WITH)





THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 11.06.2021 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT-11 AT ALAND IN MVC NO.1101/2018 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR.

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

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

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. This appeal is preferred by the claimant, seeking enhancement of compensation, assailing the judgment and award date 11.06.2021 in MVC No.1101/2018 on the file of the Senior Civil Judge and MACT-11 at Aland, awarding compensation of Rs.3,58,066/- with interest at 6% p.a. from the date of petition till realisation by directing respondent No.2 to deposit the same.

3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute that the claimant was minor and sustained



grievous injuries on account of the accident occurred on 22.12.2017. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr.*** reported in **2025 LiveLaw (SC) 871**, the assessment of compensation has to be made on par with the major claimant.

4. Looking into the nature of injuries sustained by the appellant, who was aged about 02 years at the time of the accident and considering the evidence of PW.2-Doctor, I am of the view that, the Tribunal ought to have taken the disability to the extent of 30% instead of 20%. As the accident is of the year 2017, as per the guidelines of the Karnataka State Legal Services Authority, the notional income of the appellant is to be taken at Rs.10,250/- per month. Considering the age of the appellant, the appropriate multiplier would be '18'. Thus, the appellant is entitled for Rs.6,64,200/- (Rs.10,250x12x18x30%) towards loss of future income.



5. Further, taking into consideration the injuries sustained by the appellant as per Exs.P11-wound certificate, I am of the view that, the compensation awarded by the Tribunal under other heads is also required to be reassessed and accordingly, the same is re-assessed as follows:

Pain and suffering	Rs.50,000/-
Medical expenses	Rs.18,066/-
Loss of future income	Rs.6,64,200/-
Food and conveyance charges	Rs.20,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.8,02,266/-
Less: awarded by the Tribunal	Rs.3,58,066/-
Enhancement:	Rs.4,44,200/-

Thus, the appellant is entitled for enhanced compensation of Rs.4,44,200/- with interest at 6% per annum.

6. In the result, I pass the following:

ORDER

(i) The appeal is allowed in part.



(ii) The appellant/claimant is entitled for enhanced compensation of Rs.4,44,200/- with interest at 6% per annum from the date of petition till realisation. However, as per the order of this Court dated 07.02.2024, the appellant is not entitled for interest for the delayed period of 161 days in filing the appeal.

(iii) Respondent No.2-Insurer is directed to deposit the said amount within six weeks from the date of receipt of a certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 27