



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 200139 OF 2023 (MV-I)

BETWEEN:

KOUSHIK S/O MACHINDRANATH NAROONI,
AGE: 7 YEARS, MINOR, OCC: STUDENT,
U/G OF HIS NATURAL FATHER
MACHINDRANATH S/O KARABASAPPA NAROONI,
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O PLOT NO. 34, SWAMI VIVEKANAND NAGAR,
ALAND ROAD, KALABURAGI.
NOW AT ALAND, DIST. KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. RAJASHEKHAR S/O NINGASHETTI GOVIN,
AGE: MAJOR, OCC: NOT KNOWN,
R/O. 1/44, MAIN ROAD, NEAR MALLIKARJUN TEMPLE,
SARASAMBA, KALABURAGI-585105.
2. THE DIVISIONAL MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
DIVISIONAL OFFICE,
SANGAMESHWAR NAGAR,
SB TEMPLE ROAD, KALABURAGI-585102.

...RESPONDENTS

(BY SRI SANJAY M. JOSHI, ADVOCATE FOR R2;
V/O DTD.30.01.2023 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO EXERCISE ITS APPELLATE JURISDICTION AND MODIFY THE JUDGMENT AND AWARD DATED 17-8-2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT-II AT ALAND IN MVC NO.1028/2019 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR. B) TO 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 MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

1. Heard the learned counsels for the parties.
2. This appeal is preferred by the claimant seeking enhancement of the compensation assailing the Judgment and award dated 17.08.2022 passed in MVC No.1028/2019 by the Senior Civil Judge and MACT-11, Aland, Kalaburagi, 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. Having taken note of the submission made by the learned counsels for the parties, the claimant was aged about 4 years at the time of the accident and in terms of the **Hitesh**



Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and Another reported in ***2025 LiveLaw (SC) 871***, the assessment of the compensation has to be made on par with the major claimant.

5. Looking into the nature of the injuries and the evidence of the treating Doctor, I am of the view that, the Tribunal ought to have taken the disability to the extent of 20%. The accident is of the year 2017 and therefore, as per the guidelines of the Karnataka State Legal Services Authority, the monthly income of the claimant is to be taken at Rs.10,250/- and by applying appropriate multiplier of '18', the claimant is entitled for Rs.4,42,800/- (Rs.10,250/- X 12 X 18 X 20%), towards loss of future income.

6. By looking into the nature of injuries suffered by the claimant, the award of compensation is re-assessed as under:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.4,42,800/-
2	Pain and suffering	Rs.50,000/-
3	Loss of amenities	Rs.50,000/-
4	Medical expenses	Rs.87,852/-
5	Attendant charges	Rs.20,000/-
6	Diet and nourishment	Rs.20,000/-
	Total	Rs.6,70,652/-



7. Accordingly, the following :

ORDER

(i) The appeal is allowed in-part;

(ii) The claimant is entitled for total compensation of Rs.6,70,652/- along with interest at the rate of 6% per annum from the date of petition till the date of realization;

(iii) The respondent No.2-Insurance company is directed to deposit the compensation amount along with interest within a period of six weeks from the date of receipt of the copy of this order.

Sd/-
(E.S.INDIRESH)
JUDGE