



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 203246 OF 2025 (MV-I)

BETWEEN:

THE NATIONAL INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER,
1ST FLOOR BILGUNDI COMPLEX,
OPP. MINI VIDHANA SOUDHA, KALABURAGI,
POLICY NO.61040031236160004814,
W.E.F. 03-02-2024 TO 02-02-2025,
NOW THROUGH ITS,
AUTHORISED SIGNATORY.

...APPELLANT

(BY SRI SHARANABASAPPA M. PATIL, ADVOCATE)

AND:

1. PAVAN S/O NILAKANTH DALIMBE,
AGE: 22 YEARS, OCC: LAB TECHNICIAN,
R/O. KAWATHA, TQ. OMERGA,
DIST. OSMANABAD-413 606,
MAHARASHTRA.
2. NAGENDRAPPA PATIL
S/O BASAWANTHRAO PATIL,
AGE: MAJOR, OCC: OWNER OF INNOVA CAR,
BEARING REG. NO.KA-36/N-5301,

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



R/O H.NO.F 19/4, KAMALA MARG, L.N.NAGAR,
V.C.SEDAM, TQ. SEDAM,
DIST. KALABURAGI-585 222.

...RESPONDENTS

(BY SRI SANJEEV PATIL, ADVOCATE FOR R1;
V/O DTD.06.02.2026 NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE ORDER OF THE TRIBUNAL AND SET ASIDE THE JUDGEMENT DATED 11.04.2025 AND AWARD DATED 24.4.2025 IN MVC NO.1154/2024. BEFORE IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE AND MACT KALABURAGI.

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

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

ORAL JUDGMENT

1. This appeal is arising out of the Judgment and award dated 11.04.2025 passed in MVC No.1154/2024 on the file of the Motor Accident Claim Tribunal (M.A.C.T.) and I Additional Senior Civil Judge, Kalaburagi (for short 'the Tribunal') awarding compensation.

2. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.



3. This appeal is preferred by the Insurance company assailing the liability as well as the compensation awarded by the Tribunal.

4. Sri. Sharanabasappa M. Patil, learned counsel appearing for the Insurance company contended that, the perusal of the police records would makes it clear that the rider of the motorcycle/claimant was influenced by alcohol which is not permissible to ride any vehicle under Motor Vehicles Act and therefore, the Tribunal has wrongly taken the negligence of the rider of the motorcycle to the extent of 20% and therefore sought for interference of this Court.

5. It is also argued by the learned counsel for the appellant-Insurance company that, the award of compensation is on the higher side which requires to be interfered with.

6. Per contra, Sri. Sanjeev Patil, learned counsel appearing for the respondent No.1 sought to justify the impugned Judgment and award made by the Tribunal.



7. In the light of the submission made by the learned counsel appearing for the parties, on careful consideration of the finding recorded by the Tribunal, makes it clear that, the claimant has sustained grievous injuries on account of the road traffic accident occurred on 15.06.2024. On perusal of the paragraph No.13 of the impugned Judgment makes it clear that, the claimant was influenced by the alcohol while riding the motorcycle. In that view of the matter, I am of the view that, the Tribunal ought to have taken the contributory negligence of the rider of the motorcycle/claimant and the offending vehicle in the ratio of 30:70.

8. It is also to be noted from the quantum of compensation is concerned, I am of the view that, the Tribunal has committed an error in assessing the quantum of compensation to be awarded to the claimant by looking into the medical records as well as the evidence of P.W.2. As per the guidelines of the Karnataka State Legal Services Authority, the income of the claimant for the year 2024 is to be taken at Rs.15,750/-, and the appropriate multiplier



would be '18'. Hence, the claimant is entitled for a sum of Rs.6,12,360/- (Rs.15,750/- The Accordingly, the award of compensation is re-assessed as follows:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.6,12,360/-
2	Medical expenses	Rs.2,22,000/-
3	Loss of income during laid up period	Rs.47,250/-
4	Diet and nutrition	Rs.20,000/-
5	Conveyance charges	Rs.10,000/-
6	Loss of amenities	Rs.50,000/-
7	Future medical expenses	Rs.40,000/-
8	Pain and sufferings	Rs.20,000/-
9	Attendant charges	Rs.20,000/-
	Total	Rs.10,41,610/-

9. Hence, the following order:

ORDER

(i) The appeal is allowed in-part;

(ii) The Judgment and award dated 11.04.2025 passed in MVC No.1154/2024 on the file of Motor Accident Claim Tribunal (MACT) and I Additional Senior Civil Judge, Kalaburagi, is modified with regard to the liability of the respondent No.1 vehicle is concerned i.e. Innova Car bearing registration No.KA-36/N-5301 to an extent of 70% and the motorcycle bearing No.MH-25/AZ-9204 being ridden by the claimant to an extent of 30%;



(iii) The claimant is entitled for compensation to an extent of 70% along with interest at the rate of 6% per annum from the date of petition till realization.

(iv) The amount in deposit if any be transmitted to the Tribunal.

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 Sl No.: 14
CT:PK