



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. 203217 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. AKASH S/O TATYARAO @ MARUTI DALIMBE,
AGE: 27 YEARS, OCC: PVT. WORK,
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,
R/O H.NO.F 19/4, KAMALA MARG,
L.N.NAGAR, V.C.SEDAM, TQ. SEDAM,

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



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 JUDGMENT DATED
11-04-2025 AND AWARD DATED 24-04-2025 IN MVC NO.
1155/2024. BEFORE IN THE COURT OF I ADDL. SENIOR
CIVIL JUDGE AND MACT KALAHBURAGI.

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. Heard the learned counsels appearing for the
parties.

2. This appeal is preferred by the Insurance
company assailing the Judgment and award dated
11.04.2025 passed in MVC No.1155/2024 on the file of the
Motor Accident Claims Tribunal (M.A.C.T.) and I Additional



Senior Civil Judge, Kalaburagi (for short 'the Tribunal'),
awarding compensation.

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

4. Sri. Sharanabasappa M. Patil, learned counsel appearing for the Insurance company invited the attention of the Court to the evidence of P.W.2-treating Doctor as well as the injury sustained by the claimant as per Ex.P.5, argued that, the Tribunal has committed an error in awarding Rs.1,00,000/- towards future medical expenses which requires to be interfered with, in this appeal.

5. It is also argued by the learned counsel appearing for the appellant that, the Tribunal has erroneously added 40% towards future prospects which requires to be interfered with in this appeal.

6. Per contra, learned counsel appearing for the respondent sought to justify the impugned order 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 evidence of P.W.2 as well as the disability certificate at Ex.P.10 and Ex.P.5 – wound certificate, I am of the view that, the claimant is entitled for Rs.50,000/- towards future medical expenses. It is also to be noted that, the tribunal has erroneously added 40% future prospects to the notional income of the claimant which requires to be interfered with. Accordingly, the award of compensation is re-assessed by taking into account the disability at the rate of 22%. Hence, the notional income for the claimant could be taken at Rs.15,750/- as per the chart of the Karnataka Legal Services Authority and by applying multiplier of '17', the claimant is entitled for Rs.7,06,860/- (Rs.15,750/- X 12 X 17 X 22%) towards loss of future income.

8. Taking into account the injury sustained by the claimant, the award of compensation is re-assessed as follows:



Sl.No.	Heads of compensation	Amount
1	Loss of earning capacity	Rs.7,06,860/-
2	Medical bills	Rs.1,40,000/-
3	Loss of earning capacity during laid up period	Rs.47,250/-
4	Diet and nutrition	Rs.20,000/-
5	Future medical expenses	Rs.50,000/-
6	Amenities	Rs.50,000/-
7	Pain and suffering	Rs.50,000/-
8	Attendant charges	Rs.20,000/-
9	Conveyance	Rs.20,000/-
	Total	Rs.11,04,110/-

9. The claimant is entitled for total compensation of Rs.11,04,110/- as against Rs.13,94,600/- awarded by the tribunal. The modified award of compensation shall carry interest at the rate of 6% per annum from the date of petition till the date of realization.

10. Accordingly, the following order:

ORDER

(i) The appeal is allowed in-part;

(ii) The Judgment and award dated 11.04.2025 passed in MVC No.1155/2024 on the file of the Motor Accident Claims Tribunal (M.A.C.T.) and I Additional Senior Civil Judge, Kalaburagi, is accordingly modified holding that the



claimant is entitled for total compensation of
Rs.11,04,110/- with interest at the rate of 6% per
annum from the date of petition till realization;

(iii) The amount in deposit be transmitted
to the Tribunal, forthwith.

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 Sl No.: 13
CT:PK