



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO.204142 OF 2023 (MV-I)

BETWEEN:

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE CO. LTD.,
BHILAGUNDI COMPLEX,
OPP. MINI VIDHAN SOUDHA,
KALABURAGI- 585 102.

...APPELLANT

(BY SRI NARENDRA REDDY, ADVOCATE)

AND:

1. DEEPAK S/O TUKARAM KHURPE,
AGE: 39 YEARS, OCC: LORRY CLEANER,
R/O. TAMBOLA VILLAGE, TQ. NILANGA,
DIST. LATUR- 413 512.

2. DEVANAND S/O NARSINGH RAO
AGE: MAJOR, OCC: BUSINESS,
R/O. SHIVCHANDRA ROAD,
HUMNABAD,
DIST. BIDAR- 585 330.

...RESPONDENTS

(BY SRI KOUJALAGI CHANDRAKANT, ADVOCATE, FOR R2;
R1-SERVED)



THIS MFA IS FILED UNDER SECTION 173(1) OF THE M.V. ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 11.04.2023 PASSED BY THE SENIOR CIVIL JUDGE AND MACT, HUMNABAD IN MVC NO.127/2019 BY ALLOWING THE APPEAL AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

This appeal is filed by the appellant under Section 173(1) of the Motor Vehicles Act [for short 'M.V. Act'] against the judgment and award dated 11.04.2023 of the learned Senior Civil Judge and MACT, Humnabad [for short 'Tribunal'], wherein the Tribunal allowed the petition in part awarding compensation of Rs.10,94,414/- with interest at 6% per annum from the date of petition till realization and directed the appellant/ Insurer to deposit the compensation amount along with interest.

2. The appellant being the respondent No.2/ insurer before the Tribunal, have come up with the



present appeal challenging the quantum of compensation and prayed for allowing the appeal and to reduce the compensation.

3. Heard the learned counsel for the insurer and also the learned counsel for the claimant. Perused the relevant materials on record.

4. In this appeal the insurer has not disputed the fact that the claimant being pedestrian met with an accident on 30.12.2018 due to rash and negligent driving of an Innova Car bearing registration No.KA-36/M-2639 by its driver. It is also not in dispute that the respondent No.1 is the owner/insured and the respondent No.2 is the insurer and the insurance policy was valid as on the date of the accident.

5. The argument of the learned counsel for the appellant is that the claimant examined the concerned Doctor as PW2. As per the evidence of PW2, the total



permanent physical disability suffered by the claimant due to the injuries sustained in the accident is 62.5%. Hence, the Tribunal should have determined the disability to the whole body of the claimant at 1/3rd of 62.5%.

6. On the other hand, as submitted by the learned counsel for the appellant/insurer, the Tribunal has wrongly assessed the disability of the claimant to the whole body at 62.5% for calculating loss of future earning capacity. In the circumstances, considering the evidence of the Doctor regarding the disability of the claimant, the disability to the whole body is re-determined as 20%.

7. The Tribunal, in the absence of the proof of income, has rightly taken notional income of the claimant at Rs.8,000/- per month and applied the multiplier at '16' by considering the age of the claimant,



which requires no interference. Thus, the compensation payable to the claimant under the head loss of future income should be 20% of Rs.8,000/- x 12 x 16, which amounts to Rs.3,07,200/- as against Rs.9,60,000/- awarded by the Tribunal.

8. Further, as per papers on record, it is clear that the claimant sustained multiplier grievous injuries, such as, cut lacerated wound over middle of forehead 2 x 2 cm, cut lacerated wound over middle of forehead 2 x 4 cm, active bleeding from nose and mouth, abrasion over left foot 2 x 2 cm, and RTC cut polytrauma cut head injury cut pelvic trauma. Therefore, in the circumstances, considering the nature of the injuries, the compensation granted by the Tribunal under the head 'pain and suffering' is enhanced from Rs.10,000/- to Rs.25,000/-. The compensation awarded by the Tribunal towards medical expenses is just and proper.



9. On reassessment and re-determination, the computation of compensation awarded by this Court is as under:

Description	Awarded by the Tribunal	By this Court
Loss of future income	Rs.9,60,000/-	Rs.3,07,200/-
Pain and suffering	Rs.10,000/-	Rs.25,000/-
Medical expenses	Rs.1,24,414/-	Rs.1,24,414/-
Rounded off	Rs.10,94,414/-	Rs.4,56,614/-

10. It is not in dispute that the respondent No.2 is owner/insured and the appellant is insurer of the offending vehicle and the insurance policy was valid as on the date of accident. Hence, the appellant and respondent No.2 are jointly and severally liable to pay the compensation. Moreover, the appellant/insurer is vicariously liable to pay the compensation.

11. In the result, I proceed to pass the following:



ORDER

- a) The appeal is ***allowed in part.***
- b) The judgment of the Claims Tribunal is modified.
- c) The claimant is entitled to reduced compensation of Rs.4,56,614/- as against the amount of Rs.10,94,414/- awarded by the Tribunal with interest at 6% per annum from the date of petition till realization.
- d) The appellant – Insurance Company is directed to deposit entire compensation amount along with interest at the rate of 6% per annum from the date of petition till realization, within a period of one month from the date of receipt of copy of this judgment.



- e) The deposit and release of the compensation amount shall be as per the order of the Tribunal.
- f) The amount in deposit, if any, is ordered to be transferred to the concerned Tribunal.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS-para-1 to 6
BL-para-7 to end
List No.: 1 Sl No.: 42
CT: SB