



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.200760 OF 2024 (MV-I)

BETWEEN:

KARTIK S/O GOPAL SHIVASHARAN,
AGE: 21 YEARS, OCC: PRIVATE SERVICE,
R/O HARIJAN ONI, MANAGOLI,
TQ. B.BAGEWADI,
DIST. VIJAYAPURA-586 101.

...APPELLANT

(BY SRI SANGANABASAVA B. PATIL, ADVOCATE)

AND:

1. SANGANAGOUDA S/O NANDAGOUDA,
PROP: M/S. NADAGOUDA ROADLINES,
STATION BACK ROAD, NEAR RAILWAY STATION,
DIST. VIJAYAPURA-586 101.
2. THE BRANCH MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED,
1ST FLOOR, BIDARI COMPLEX,
S.S .FRONT ROAD, VIJAYAPURA.

...RESPONDENTS

(BY SRI S.V. DESHMUKH, ADVOCATE FOR R1;
SRI MANVENDRA REDDY, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD PASSED BY THE PRINCIPAL SENIOR





CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL NO.V,
VIJAYAPURA AT VIJAYAPURA IN M.V.C.NO.1200/2021 DATED
14.10.2022, MODIFYING THE IMPUGNED ORDER AND ALLOW
THE CLAIM PETITION BY GRANTING THE RELIEF AS PRAYED
FOR BY 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

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 dated 14.10.2022 in MVC
No.1200/2021 on the file of the Principal Senior Civil Judge
and MACT-V, Vijayapura, partly allowing the claim petition
and awarding compensation to the claimant.

3. The relevant facts for adjudication of this
appeal are that, on 08.06.2021, the claimant was a
pedestrian on Vijayapura-Nidagundi road near Managoli
village and at that time, the lorry bearing Reg. No.KA-28/
C-2700 came in a rash and negligent manner and dashed



to the claimant, due to which, the claimant sustained grievous injuries. Hence, the claimant has preferred MVC No.1200/2021 before the Tribunal, seeking compensation.

4. The claim petition was contested by the respondents by filing written statement and adducing evidence.

5. The Tribunal, after considering the material on record, by judgment and award dated 14.10.2022, allowed the claim petition in part and awarded compensation of Rs.2,48,500/- with interest at 6% per annum from the date of petition till realization. Insofar as the liability is concerned, the claim petition came to be dismissed as against respondent No.2-Insurance Company on the ground that, the lorry in question did not possess the valid fitness certificate. Hence, the liability was fixed on respondent No.1-owner of the vehicle in question. Feeling aggrieved by the inadequacy of compensation as well as the liability, the claimant has preferred this appeal.



6. It is argued by Sri Sangnabasava B. Patil, learned counsel appearing for the appellant that, the compensation awarded by the Tribunal requires to be enhanced in the circumstances of the case and further, the Tribunal ought to have saddled the liability on the Insurance Company to pay the compensation with liberty to recover the same from the owner of the vehicle in question in terms of the judgment of this Court in **MFA No.9745/2018 C/W MFA No.9453/2018**, disposed of on 18.09.2025.

7. Per contra, Sri Manvendra Reddy, learned counsel appearing for respondent No.2-Insurance Company submitted that, the vehicle in question was not possessed with the fitness certificate and therefore, sought to confirm the judgment and award passed by the Tribunal.

8. Sri S.V. Deshmukh, learned counsel appearing for respondent No.1-owner of the vehicle submitted that, the compensation awarded by the Tribunal is on the higher



side and also submitted that, respondent No.2-Insurance Company shall indemnify the respondent No.1-owner.

9. In the light of the submissions made by the learned counsel appearing for the parties, on careful examination of the material on record as to the liability is concerned, the Tribunal has arrived at a conclusion that, the vehicle in question did not possess the fitness certificate. However, following the declaration of law made by this Court in the aforementioned MFA No.9745/2018 C/W MFA No.9453/2018, I am of the view that, the Insurance Company be directed to pay the compensation to the claimant and thereafter, recover the same from the owner of the vehicle in question.

10. Insofar as the enhancement of compensation is concerned, by looking into the nature of injuries and the evidence of PW.2, I am of the view that, the Tribunal ought to have taken the disability to the extent of 10% instead of 3%. The accident is of the year 2021 and therefore, as per the guidelines of the Karnataka State



Legal Services Authority, the notional income of the claimant is to be taken at Rs.14,250/- per month. The multiplier of '18' adopted by the Tribunal is just and proper. Thus, the claimant is entitled for Rs.3,07,800/- (Rs.14,250x12x18x10%) towards loss of future income.

11. Further, taking into consideration the injuries sustained by the claimant, the compensation awarded by the Tribunal under all heads is required to be reassessed as follows:

Pain and suffering	Rs.50,000/-
Medical expenses	Rs.1,10,131/-
Loss of future income	Rs.3,07,800/-
Loss of income during laid up period (Rs.14,250 x 3)	Rs.42,750/-
Conveyance charges	Rs.20,000/-
Attendant charges	Rs.20,000/-
Loss of amenities	Rs.50,000/-
Total	Rs.6,00,681/-

Thus, the claimant is entitled for total compensation of Rs.6,00,681/- with interest at 6% per annum.

12. In the result, I pass the following:



ORDER

(i) The appeal is allowed in part.

(ii) The judgment and award dated 14.10.2022 in MVC No.1200/2021 on the file of the Principal Senior Civil Judge and MACT-V, Vijayapura is modified.

(iii) The appellant/claimant is entitled for total compensation of Rs.6,00,681/- with interest at 6% per annum from the date of petition till the date of realisation.

(iv) Respondent No.2-Insurance Company is directed to deposit the compensation amount with interest within a period of six weeks from the date of receipt of a certified copy of this judgment and thereafter recover the same from respondent No.1-owner of the vehicle in question.

Sd/-
(E.S.INDIRESH)
JUDGE