



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISC. FIRST APPEAL NO.204382 OF 2025 (MV-I)

BETWEEN:

SHIVKUMAR
S/O HAYYALLAPPA @ AYYALLAPPA PUJARI,
AGE: 29 YEARS, OCC: DRIVER @ COTTON BUSINESS
NOW NIL,
R/O HULKAL (K) VILLAGE, TQ. SHAHAPUR,
DIST. YADGIR-585223.

...APPELLANT

(BY SRI. S.S. SAJJANASHETTY, ADVOCATE)

AND:

1. DURGAPPA S/O SUNKAPPA SEETAMANI,
AGE: 53 YEARS, OCC: BUSINESS AND OWNER OF
MAHINDRA BOLERO PICKUP VAN/TRUCK NO
KA-37/A-8528 (OFFENDING VEHICLE),
R/O GANDHI NAGAR, KOPPAL,
TQ. DIST. KOPPAL- 583231.
2. TATA AIG GENERAL INSURANCE CO LTD,
THROUGH ITS MANAGER,
PENINSULA BUSINESS PART TOWAR-A,
15TH FLOOR G K LOWER PAREL,
MUMBAI- 400 003 (INSURER OF MAHINDRA BOLERO
PICKUP VAN BEING NO KA-37-A-8528)

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;
V/O DTD.28.11.2025 NOTICE TO R1 IS D/W)





THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT, PRAYING TO CALL FOR RECORDS IN MVC.NO.269 OF 2019 ON THE FILE OF THE COURT OF SENIOR CIVIL JUDGE AND JMFC AND ADDL. MACT-IV AT SHAHAPUR DIST. YADGIRI AND ALLOW THE ABOVE APPEAL BY SETTING ASIDE THE IMPUGNED JUDGMENT AND AWARD DTD. 23.07.2025 AND CONSEQUENTLY ALLOW THE APPEAL WITH SUITABLE ENHANCEMENT PAYABLE BY RESPONDENT NO.2/INSURER ADMITTEDLY WITH INTEREST PAYABLE IN ACCORDANCE WITH LAW AND GRANT ANY OTHER ORDER OR DIRECTION THIS HONOURABLE HIGH COURTS DEEMS FIT AND PROPER FOR WHICH THE CLAIMANT/APPELLANT FOUND ENTITLED MAY ALSO BE PASSED TO MEET THE REAL ENDS OF JUSTICE EQUITY AND GOOD CONSCIENCE.

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

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

ORAL JUDGMENT

This appeal is preferred by the claimant seeking enhancement of compensation, assailing the judgment and award dated 23.07.2025 in MVC.No.269/2019 on the file of the Senior Civil Judge and JMFC and Additional M.A.C.T.-IV, at Shahapur, awarding compensation.

02. Having taken note of the submission made by the learned counsel appearing for the parties, there is no dispute as to the occurrence of the accident on



30.11.2018, in which the claimant has sustained grievous injuries.

03. Looking into the nature of the injuries and the discussion made by the Tribunal at paragraph 21, I am of the view that the Tribunal ought to have taken the disability to the extent of 40%. As the accident is of the year 2018, the monthly income of the claimant is taken at Rs.11,750/- as per the guidelines of the Karnataka Legal Services Authority and by applying the appropriate multiplier of 18, the loss of future income would be Rs.10,15,200/- (Rs.11,750/- x 12 x 18 x 40%).

04. Looking into the nature of the injuries sustained by the claimant as per the wound certificate as well as the disability certificate issued by PW.2, the award of compensation is reassessed as follows:-

Heads	Amount
Pain and suffering	Rs.1,00,000/-
Attendant and conveyance, food	Rs.20,000/-



and nutrition chargers, etc.,	
Medical expenses	Rs.1,55,082/-
Loss of future income	Rs.10,15,200/-
Loss of amenities	Rs.50,000/-
Loss of income during laid up period (Rs.11,750/- x 6)	Rs.70,500/-
Total	Rs.14,10,782/-
Less: awarded by Tribunal	Rs.10,52,622/-
Enhancement	Rs.3,58,160/-

05. Thus, the claimant is entitled for enhanced compensation of **Rs.3,58,160/-** with interest at the rate of 6% per annum from the date of petition till its realization.

06. In the result, I pass the following:

ORDER

I. The appeal filed by the claimant is allowed in part.



II. The appellant - claimant is entitled for enhanced compensation of **Rs.3,58,160/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

III. Respondent No.2 - Insurance Company is directed to deposit the aforesaid compensation amount within six weeks from the date of receipt of certified copy of this judgment.

In view of the disposal of main appeal, the pending I.As. does not survive for consideration, hence, they are also disposed of.

Sd/-
(E.S.INDIRESH)
JUDGE

KJJ
List No.: 1 Sl No.: 37
CT:PK