



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.204589 OF 2025 (MV-I)

BETWEEN:

SHARANABASAPPA S/O MALLIKARJUN KADADI,
AGE: 55 YEARS, OCC: ADVOCATE,
R/O HOUSE NO.1-1499/42/2-B-1,
GODUTAI NAGAR, KALABURAGI-585 102.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. IRAPPA S/O SIDDALINGAPPA MUNNAVALLI,
AGE: 43 YEARS, OCC: DRIVER,
R/O C/O R.P. AGARWAL, III BLOCK,
KORAMANGALA, BANGALORE-34.
2. RAJESH KUMAR S/O PREMCHAND AGARWAL,
OWNER OF LORRY, R/O 707, PREM COMPLEX,
III BLOCK, KORAMANGALA, BANGALORE-34.
3. THE DEPUTY GENERAL MANAGER,
CHOLAMANDALAM M.S. GENERAL INSURANCE
COMPANY LIMITED, NO.9/1, ULSOOR ROAD,
BANGALORRE-560 042.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R3;
V/O DTD. 10.12.2025, NOTICE TO R1 AND R2
IS DISPENSED WITH)

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 20.11.2012 PASSED BY THE LEARNED PRL. SENIOR CIVIL JUDGE AND MACT, KALABURAGI, IN MVC NO.1571/2008 BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR.

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 20.11.2012 in MVC No.1571/2008 on the file of the Principal Senior Civil Judge and MACT, Gulbraga, partly allowing the claim petition and awarding compensation to the claimant.

3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute that, the appellant sustained grievous injuries on account of the accident occurred on 14.07.2008. Taking into account the injuries sustained by the appellant as per



the wound certificates at Exs.P4 and P5 and the disability certificate at Ex.P96, so also the evidence of PW.2 - treating doctor, I am of the view that, the award of compensation made by the Tribunal requires to be enhanced in this appeal.

4. The appellant has produced the Certificate of Bar Council and Enrolment at Exs.P7 and P8 respectively. However, no other document has been produced to prove the income of the appellant. In that view of the matter, awarding compensation of Rs.3,60,000/- towards loss of future earnings by considering the disability to the extent of 20% by the Tribunal is just and proper, which does not call for interference in this appeal. However, taking into account the injuries sustained by the appellant, who happens to be the member of the legal fraternity, I am of the view that, the appellant is entitled for enhancement of compensation under other heads.

5. Accordingly, the compensation awarded by the Tribunal is reassessed as under:



Pain and suffering	Rs.30,000/-
Medical expenses	Rs.34,300/-
Loss of future earnings	Rs.3,60,000/-
Loss of income during laid up period (Rs.10,000 x 3)	Rs.30,000/-
Attendant, nursing, extra nourishment charges and conveyance	Rs.20,000/-
Loss of amenities	Rs.40,000/-
Total	Rs.5,14,300/-
Less: awarded by Tribunal	Rs.4,49,300/-
Enhancement:	Rs.65,000/-

Thus, the appellant is entitled for enhanced compensation of Rs.65,000/- with interest at 6% per annum.

6. It is also to be noted from the records that, the claimants in MVC *No.1573/2008, which is arising out of the same accident have preferred MFA *No.201007/2014 and connected matter before this Court and the Division Bench of this Court, vide judgment and award dated 13.07.2022, held that the appellants therein are entitled for enhanced compensation and as such, the Insurance Company was directed to deposit *the entire compensation. In that view of the matter, following the

* Corrected vide chamber order dated 27.02.2026.



declaration of law by the Division Bench of this Court in the above appeal, the Insurance Company is liable to pay *the entire compensation.

7. In the result, I pass the following:

ORDER

(i) Appeal is allowed in part.

(ii) The appellant/claimant is entitled for enhanced compensation of Rs.65,000/- with interest at 6% per annum from the date of petition till realisation. However, as per the order of this Court dated 10.12.2025, the appellant is not entitled for interest for the delayed period of 3901 days in filing the appeal.

(iii) Respondent No.3-Insurance Company is directed to deposit *the total compensation, within six weeks from the date of receipt of a certified copy of this judgment.

*Corrected vide chamber order dated 27.02.2026.



NC: 2026:KHC-K:887
MFA No. 204589 of 2025

Sri Subhash Mallapur, learned counsel appearing for the respondent No.3 is permitted to file vakalath within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 37