



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE P. SREE SUDHA

MISCL. FIRST APPEAL NO. 200500 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 200452 OF 2022(MV-I)

IN MFA NO.200500/2022:

BETWEEN:

RAJSHEKAR N @ NEELI RAJASHEKAR,
S/O. NEELI NAGAPPA,
AGE 50 YEARS, OCC. BUSINESS (NOW NIL)
R/O. ADHONI.
NOW R/O. NO.5-2-89,
NETAJI NAGAR, NEAR ESHWAR TEMPLE,
RAICHUR-584101.

...APPELLANT

(BY SMT. PATIL SHANTABAI SUBHASH, ADVOCATE)

AND:

1. AYUB KHAN,
S/O. BUGAR KHAN,
AGE 45 YEARS,
OCC. DRIVER OF TATA TRUCK BRG.
NO.RJ-04/GA-4587,
R/O. ALAMSAR VILLAGE,
TQ. CHOHTHAN,

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH
COURT OF
KARNATAKA



DIST. BARMER,
RAJASTHAN-344001.

2. ABHISHEK V. KUTTE,
S/O. AJAYAKUMAR,
AGE MAJOR, OCC. OWNER OF NO.KA-01/D-8545,
R/O. AVK COMPLEX,
NEAR BHAVANI TYRES,
KALASI PALAYAM,
BENGALURU-560001.
3. THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD.,
NEAR GOVINDRAJ PETROL BUNK,
RAICHUR-584101.
4. BYALAPPA,
S/O. LT. HANUMANTHAIHA
AGE 51 YEARS, OCC. DRIVER OF
BUS BRG NO.KA-01/D-8545,
R/O. LAXMI VENKATESHWARA NILAYA,
3RD MAIN, 5TH CROSS, KUMATAIAH LAYOUT,
SAMPIGE ROAD, BANASHANKARI,
BENGALURU-560001.
5. SMT. MANJULA DEVI,
W/O. GOUTAM CHAND,
AGE MAJOR, OCC. OWNER OF TATA TRUCK
BRG NO.RJ-04/GA-4587,
R/O. JAIN NYATI NOHRA KI GALLI,
DIST. BARMER,
RAJASTHAN-344001.
6. THE SBI GENERAL INSURANCE CO.LTD.,
NATARAJ 101, 201,301 JUNCTION OF
WESTERN EXPRESS HIGHWAY AND



ANDHERI KURLA ROAD,
ANDHERI (EAST) MUMBAI-400047.

...RESPONDENTS
(BY SRI SUDARSHAN M., ADVOCATE, FOR R3;
V/O. DATED 20.09.2022, NOTICE TO R1, R2, R4 TO R6
DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT,
PRAYING TO ALLOW THE APPEAL BY MODIFYING THE
JUDGMENT AND AWARD DATED 24.11.2020 PASSED BY
THE PRL. DISTRICT JUDGE AND MACT, RAICHUR, IN MVC
NO.544/2017 AND TO ENHANCE COMPENSATION AND
ALSO WITH INTEREST AT 9%.

IN MFA NO.200452/2022:

BETWEEN:

SARITHA N @ SHYLAJA D.,
W/O. NEELI RAJASHEKAR,
AGE 40 YEARS, OCC. EX-TAILORING,
R/O. ADHONI.
NOW R/O. NO.5-2-89,
NETAJI NAGAR, NEAR ESHWAR TEMPLE,
RAICHUR-584101.

...APPELLANT
(BY SMT. PATIL SHANTABAI SUBHASH, ADVOCATE)

AND:

1. AYUB KHAN,
S/O. BUGAR KHAN,
AGE 45 YEARS,
OCC. DRIVER OF TATA TRUCK BRG.
NO.RJ-04/GA-4587,
R/O. ALAMSAR VILLAGE, TQ. CHOHTHAN,



DIST. BARMER,
RAJASTHAN-344001.

2. ABHISHEK V KUTTE,
S/O. AJAYAKUMAR,
AGE MAJOR, OCC. OWNER OF VEHICLE
NO.KA-01/D-8545,
R/O. AVK COMPLEX,
NEAR BHAVANI TYRES,
KALASI PALAYAM
BENGALURU-560001.
3. THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD.,
NEAR GOVINDRAJ PETROL BUNK,
RAICHUR-584101.
4. BYALAPPA,
S/O. LT. HANUMANTHAIAH
AGE 51 YEARS, OCC. DRIVER OF
BUS BRG. NO.KA-01/D-8545
R/O. LAXMI VENKATESHWAR NILAYA,
3RD MAIN, 5TH CROSS, KUMATAIAH LAYOUT,
SAMPIGE ROAD, BANASHANKARI,
BENGALURU-560001.
5. SMT. MANJULA DEVI,
W/O. GOUTAM CHAND,
AGE MAJOR, OCC.OWNER OF
TATA TRUCK BRG. NO.RJ-04/GA-4587,
R/O. JAIN NYATI NOHRA KI GALLI,
DIST. BARMER,
RAJASTHAN-344001.
6. THE SBI GENERAL INSURANCE CO. LTD.,
NATARAJ 101, 201, 301 JUNCTION OF
WESTERN EXPRESS HIGHWAY AND
ANDHERI KURLA ROAD,



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C/W MFA No. 200452 of 2022

ANDHERI (EAST)
MUMBAI-400047.

...RESPONDENTS
(BY SRI SUDARSHAN M., ADVOCATE FOR R3;
V/O. DATED 19.09.2022, NOTICE TO R1, R2 & R4 TO R6
ARE DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT,
PRAYING TO ALLOW THE APPEAL BY MODIFYING THE
JUDGMENT AND AWARD DATED 24.11.2020 PASSED BY
THE PRL. DISTRICT AND SESSIONS JUDGE AND MACT,
RAICHUR, IN MVC NO.542/2017 AND PLEADED TO
ENHANCE COMPENSATION AND ALSO WITH INTEREST AT
9%.

THESE APPEALS ARE COMING ON FOR FINAL
HEARING, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P. SREE SUDHA

ORAL JUDGMENT

1. Heard the arguments of both sides in both the
appeals.

2. These appeals are filed by the claimants against
the common judgment and award dated 24.11.2020
passed by the Principal District and Sessions Judge and
MACT, Raichur, [for short 'Tribunal'], respectively in MVC



Nos.544/2014 and 542/2017, seeking enhancement of compensation awarded by the Tribunal.

3. The facts of the case are that 06.08.2015 about 5.00 a.m., the appellant in MFA No.200500/2022, who was claimant in MVC No.544/2017 along with the appellant in MFA No.200452/2022, who was claimant in MVC No.542/2017 and some others were travelling in bus bearing Reg. No.KA-01/D-8545 towards Bangalore, they met with an accident due to rash and negligent driving by the driver of the said bus, resulted in sustaining multiple injuries to the claimants and have spent huge amount towards their treatment and suffered permanent disability affecting their future earning capacity. Hence, they filed claim petitions before the Tribunal claiming compensation from the respondents. The Tribunal considering the entire materials available on record, had awarded a sum of Rs.1,56,500/- to the claimant in MVC No.544/2017 and a sum of Rs.5,95,500/- to the claimant in MVC No.542/2017 along with interest at the rate of 6% per annum from the



date of petitions till realization and directed respondent No.3 - Insurance Company to deposit the compensation amount together with interest at the first instance with liberty to the Insurance Company to recover the same from respondent No.2.

4. Aggrieved by the said common judgment of the Tribunal, the injured-claimants have preferred their respective appeals.

5. It is the contented by the learned counsel for the appellants that the compensation awarded by the Tribunal under the heads pain and sufferings, loss of amenities, attendant and nourishment charges and loss of income during laid up period is on the lower side without any basis, which is to be enhanced reasonably.

6. The appellant in MFA No.200500/2022 (MVC No.544/2017) in support of his evidence got marked Ex.P26 - Wound Certificate which reveals that he sustained fracture of left scapula and was treated as



inpatient at Bangalore. He has also produced the Disability Certificate – Ex.P27 issued by the PW6 - Doctor observing that there is paraesthesia over left limb, mal-union, myositis, adhesions over left shoulder joint of the claimant and secondary arthritis. The Tribunal has taken disability at 5%. The income considered by the Tribunal at Rs.8,000/- per month is also not disputed. Thus, the Tribunal calculated compensation towards loss of future earning capacity as $\text{Rs.8,000/-} \times 12 \times 14 \times 5\% = \text{Rs.67,200/-}$. This Court finds no reason to interfere with the said order. Further, the Tribunal has rightly awarded Rs.8,253/- for medical expenses as per the documentary evidence which also needs no interference.

7. Considering the nature of injuries suffered and period of hospitalization, this Court finds it reasonable to enhance compensation to Rs.50,000/- for pain and sufferings, Rs.25,000/- for loss of amenities and Rs.30,000/- for transportation, nourishment and attendant charges. Under the head of loss of income during laid up



period, this Court finds that the claimant might not have worked atleast for a period of four months, hence, he is entitled for Rs.8,000/- x 4 = Rs.32,000/- under the said head.

8. In all, the total compensation comes to Rs.2,12,453/- with interest at 6% per annum from the date of petition till the date of realisation.

9. The compensation awarded by the Tribunal is modified as under:

Sl. No.	Heads	Award by the Tribunal	Award by this Court
1	Pain and suffering	Rs.30,000/-	Rs.50,000/-
2	Medical Expenses	Rs.8,253/-	Rs.8,253/-
3	Loss of future earning capacity	Rs.67,200/-	Rs.67,200/-
4	Transportation, extra nourishment and attendant charges	Rs.25,000/-	Rs.30,000/-



5.	Loss of amenities	Rs.10,000/-	Rs.25,000/-
6.	Loss of earning during laid up period	16,000/-	Rs.32,000/-
Total		Rs.1,56,453/-	Rs.2,12,453/-
There will be enhancement of Rs.56,000/-			

10. The appellant in MFA No.200452/2022 (MVC No.542/2017) in support of her claim, got marked Ex.P9 – Wound Certificate and Ex.P10 – Discharge Summery, which reveal that she sustained T-8 fracture subluxation with T-12 stable fracture and soft tissue injury in her left foot. She was treated as in patient in the hospital at Bangalore from 06.08.2015 to 14.08.2015 with advice for complete rest for three weeks. PW5 – Doctor assessed the disability at 25% to the whole body, but the Tribunal has taken disability at 8%. She was aged 36 years as on the date of accident. Though she stating that she was earning Rs.10,000/- per month by doing tailoring work, but not produced any document to prove the same. The Tribunal



has considered the income at Rs.7,000/-, which is to be reassessed at Rs.8,000/- per month as per the chart issued by the Karnataka State Legal Services Authority for the year 2015. The Tribunal has rightly considered disability at 8%. Thus, the loss of future earning capacity as $\text{Rs.8,000/-} \times 12 \times 15 \times 8\% = \text{Rs.1,15,200/-}$.

11. The Tribunal awarded Rs.3,90,637/- for medical expenses and Rs.30,000/- for transportation, nourishment and attendant charges are reasonable and needs no interference with the said order.

12. Considering the nature of injuries and period of hospitalization, this Court finds it reasonable to enhance compensation to Rs.75,000/- for pain and sufferings and Rs.30,000/- for loss of amenities. The claimant might not have worked atleast for a period of six months, hence, this Court finds it reasonable to award $\text{Rs.8,000/-} \times 6 = \text{Rs.48,000/-}$ for loss of income during laid up period.



13. In all, the total compensation comes to Rs.8,02,837/- with interest at 6% per annum from the date of petition till the date of realisation.

14. The award of compensation passed by the Tribunal is modified as under:

Sl. No.	Heads	Award by the Tribunal	Award by this Court
1	Pain and suffering	Rs.40,000/-	Rs.75,000/-
2	Medical Expenses	Rs.3,90,637/-	Rs.3,90,637/-
3	Loss of future earning capacity	Rs.1,00,800/-	Rs.1,15,200/-
4	Transportation, extra nourishment and attendant charges	Rs.30,000/-	Rs.30,000/-
5.	Loss of amenities	Rs.20,000/-	Rs.30,000/-
6.	Loss of earning during laid up period	14,000/-	Rs.48,000/-
Total		Rs.5,95,437/-	Rs.6,88,837/-
There will be enhancement of Rs.93,400/-			



15. In the result, the following order is passed:

(i) Both the appeals are allowed in part.

(ii) The appellant in MFA No.200500/2022 is entitled for enhanced compensation of Rs.56,000/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) The appellant in MFA No.200452/2022 is entitled for enhanced compensation of Rs.93,400/- with interest at 6% per annum from the date of petition till the date of realization.

(iv) Respondent No.3 – Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment and is at liberty to recover the same from respondent No.2 as ordered by the Tribunal.



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(v) On such deposit, the claimants are permitted to withdraw the entire amount along with interest accrued on it.

Sd/-
(P. SREE SUDHA)
JUDGE

SBS
List No.: 1 Sl No.: 98
CT:RJ