



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 10TH DAY OF NOVEMBER, 2025
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.
MISCELLANEOUS FIRST APPEAL NO.100565 OF 2014 (MV)

BETWEEN:

SRI. AJAY MUKESH BHOSALE,
AGE: 29 YEARS,
OCC: SCRAP BUSINESS (AT PRESENT NIL)
R/O. SONI, NOW AT NIPPANI, DIST: BELGAUM.

...APPELLANT

(BY SRI. ASHOK A. NAIK, ADVOCATE)

AND:

DIVISIONAL CONTROLLER,
M.S.R.T.C., KOLHAPUR DIVISION, KOLHAPUR.

...RESPONDENT

(BY SRI. C.V. ANGADI, ADVOCATE)

THIS MFA IS FILED UNDER SEC.173(1) OF MV ACT, 1988,
AGAINST THE JUDGMENT AND AWARD DATED 11-01-2013
PASSED IN MVC NO.964/2012 ON THE FILE OF PRESIDING
OFFICER, FAST TRACK COURT-I, CHIKODI, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION & ETC.

THIS MFA COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

Heard the arguments of Sri Ashok A Naik, learned counsel for the appellant and Sri C.V.Angadi, learned counsel for the respondent.

2. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 by the claimant/injured in MVC No.964/2012 on the file of learned Presiding Officer, Fast Track Court-I, Chikodi (for short, 'the Tribunal') praying for enhancement of compensation.

3. The parties would be referred to as per their rankings before the Tribunal, for the sake of convenience and clarity.

4. Brief facts of the case are that on 21.08.2011 at 11.15 p.m. accident happened when the driver of the MSRTC bus bearing Reg.No.MH-12/AU-9880 rashly and negligently dashed against the motorcycle bearing Reg.No.MH-03/AD-9776 near Government Hospital on



Tasgaov to Bhivghat Road and thereby caused the accident. As a result of the said accident, the claimant has suffered grievous injuries. Hence, claim petition came to be filed U/S.166 of MV Act, 1988 seeking compensation.

5. On service of notice, the respondent appeared before the Tribunal through its counsel and denied the entire contention made in the claim petition and contended that the accident happened due to the fault of the rider of the motorcycle and not due to the driver of the MSRTC bus and there is contributory negligence. Hence, prayed for dismissal of the claim petition.

6. On behalf of the claimant, claimant was examined as P.W.1, examined doctor as P.W.2 apart from marking Exs.P.1 to P.12 and closed his side. On behalf of respondents, no evidence was let in.

7. After verifying the pleadings of the parties, recording the evidence of both sides and hearing the



arguments of both sides, the Tribunal has awarded the compensation under the following heads:

Sl.No.	Heads	Amount
1.	Loss of future income	2,29,500/-
2.	Medical expenses	525.83/-Ps
3.	Pain and suffering	35,000/-
4.	Loss of amenities	10,000/-
5.	Loss of income of petitioner during treatment period	3,000/-
6.	Loss of dependency	3,000/-
7.	Conveyance	3,050/-
	Total	2,79,075.83/-Ps
	Round off	2,79,100/-

8. Not satisfied with the above compensation, the claimant/appellant has preferred the present appeal.

9. Learned counsel for the appellant Sri Ashok A Naik would submit that the Tribunal has taken the income of injured at ₹.4,500/- instead of taking it as ₹.6,000/-. Hence, prayed for allowing the appeal by enhancing the compensation.

10. Learned counsel for the respondent Sri C.V.Angadi would submit that the compensation awarded by



the Tribunal is on higher side as it has taken 25% disability to whole body even though disability was only 39% to the right lower limb. Hence, prayed for dismissal of the appeal.

11. Having heard the arguments of both sides and on verifying the appeal papers, the only point that would arise for consideration is, *"Whether the claimant/injured is entitled for enhancement of compensation?"*

12. Answer to the above point would be in the **"negative"** for the following reasons:

13. There is no serious dispute about the nature of accident, place, date and time of accident and liability of respondent. The only dispute was the income of the injured taken by the Tribunal is on lower side. On verifying the records, it is noticed that the doctor has given evidence that there was permanent physical disability of 39% to the right lower limb. 1/3rd disability to the right lower limb ought to have been taken to the whole body. If that is being taken, then the disability would be 13% to the while body.



14. The age of the claimant was 27 years as mentioned in the discharge card, which is admitted by both sides. Hence, the relevant multiplier taken by the Tribunal 17 is proper. Considering the fact that there was no documentary evidence to prove the income of the injured, the Tribunal has taken it at ₹.150/- per day which is less. However, there is no document to show that the actual income of the injured. As per the KSLSA guidelines, I have to take notional income of injured at ₹.6,000/- for the accident occurred in the year 2011. Hence, the Tribunal ought to have been taken the income of the claimant at ₹.6,000/-. If income of the claimant is taken at Rs.6,000/- and disability is considered only at 13%, then the compensation that could have been awarded under the head loss of future income would be far less than the amount awarded by the Tribunal. Likewise, the Tribunal has awarded compensation at higher side under the head-pain and suffering. There was no need to grant compensation



under the head of loss of dependency, however, it was awarded.

15. Hence, if all the above facts are considered together, the compensation awarded by the Tribunal is on higher side, than what it ought to have been awarded. However, there is no challenge from the respondent-insurance company about the compensation awarded by the Tribunal. Hence, there is no option for me but to confirm the award passed by the Tribunal.

16. For the above reasons, the amount of compensation awarded by the Tribunal is confirmed by **dismissing** the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988.

17. Amount in deposit, if any, be transmitted to the Tribunal forthwith.

Sd/-
(GEETHA K.B.)
JUDGE