



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 11TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 104025 OF 2023 (MV-I)

BETWEEN:

SACHIN S/O. LAXMAN JAMAKHANDI
AGE: 26 YEARS,
OCC: SERVICE IN PRIVATE MEDIA HOUSE,
PRESENTLY NIL.
R/O. GOTUR VILLAGE, TALUK-HUKKERI,
DISTRICT-BELGAVI,
PRESENTLY AT SHIVAJI NAGARM,
BELAGAVI-590001.

...APPELLANT

(BY SRI. PRASHANT MATHAPATI, ADVOCATE)

AND:

THE EXECUTIVE ENGINEER
MINOR IRRIGATION DIVISION,
BIJAPUR, 586101
(OWNER OF TATA SUMO VEHICLE
BEARING REG NO.KA-28-G-0429)

...RESPONDENT

(BY SMT. KIRTI PATIL, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 01.10.2022 PASSED IN MVC NO.169/2022 ON THE FILE OF THE IV ADDITIONAL DISTRICT JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL-V, BELAGAVI AND ALLOW THIS MFA BY AWARDED COMPENSATION AS PRAYED, IN THE INTEREST OF JUSTICE.



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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

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

The appellant is before this Court in this appeal filed under Section 173(1) of Motor Vehicles Act, 1988, (for short, 'the M.V. Act') not being satisfied with the quantum of compensation awarded under judgment and award dated 01.10.2022, passed in M.V.C. No.169/2022 by the IV Additional District Judge and Motor Accident Claims Tribunal-V, Belagavi, (for short, 'the Tribunal'), praying for enhancement of compensation.

2. For the sake of convenience, the parties will be referred to as per their rank before the Tribunal.

3. Claimant has filed the claim petition under Section 166 of the M.V. Act before the Tribunal claiming compensation for the injuries sustained in the accident that had taken place on 20.12.2021 at about 19.15 - 19.16



hours when he was riding his motorcycle bearing registration No.KA-23/EM-2380 on old P.B. Road i.e. Yadiyurappa road towards Junne-Belagavi Naka and a Tata Sumo vehicle bearing registration No.KA-28/G-0429 came from the opposite side and dashed against the motorcycle of the claimant and thereby caused the accident. Due to the accident, claimant sustained grievous injuries. Immediately, he was shifted to KLE Hospital, Belagavi for treatment and admitted as an inpatient from 21.12.2021 to 10.01.2022 and he underwent surgery and has incurred ₹.7,00,000/- for his treatment in KLE Hospital Belagavi. He was 25 years old at the time of accident working as a news reporter and earning ₹.18,000/- per month. He lost his future earning capacity because his job requires extensive travelling and due to fracture of his right leg, he is unable to walk and totally bed ridden. Hence, claimed compensation under different heads.

4. Respondent appeared and filed the objection statement wherein it denied the petition averments in toto



regarding the date, time and place of accident, the manner in which accident happened and the liability of Tata Sumo vehicle and further contented that it was only because of rash and negligent driving of the motorcycle that the accident happened. Hence, prayed for dismissal of petition.

5. On behalf of claimant, claimant was examined as P.W.1, and examined the doctor as P.W.2 apart from marking Exs.P.1 to P.19 and closed his side. On behalf of respondent no evidence was let in. After recording evidence of both sides and hearing arguments of both sides, the Tribunal came to the conclusion that petitioner is entitled to total compensation of ₹.7,98,272/- under following different heads:-

1	Loss of future income due to disability	Rs.3,24,000/-
2	Hospital and medical expenses	Rs.3,56,272/-
3	Pain, agony and sufferings	Rs.30,000/-
4	Food and nourishment, transportation and attendant charges.	Rs.23,000/-
5	Loss of income during laid up period	Rs.45,000/-
6	Loss of amenities in life	Rs.20,000/-
	Total	Rs.7,98,272/-



6. Not being satisfied with the compensation awarded by the Tribunal, the appellant has preferred the present appeal.

7. Learned counsel for appellant Sri Prashant Mathapathi would submit that the Tribunal grossly erred in not considering the disability certificate wherein the permanent physical disability is shown as 35%. The Tribunal failed to consider the loss of future prospects and it has given meager compensation towards attendant charges, conveyance and nourishment charges and the compensation awarded by the Tribunal on all heads is on lower side. Hence, prayed for allowing the appeal.

8. Learned HCGP Smt.Keerthi Patil would submit that the compensation awarded by the tribunal is fair, just and reasonable and it has properly considered the disability as 10% to the whole body and income of the claimant was also properly taken. Hence, prayed for dismissal of the appeal.



9. Having heard the learned counsels for the parties and on perusal of the appeal papers along with original records of the Tribunal, the only point that would arise for consideration is "*Whether the appellant-claimant is entitled for enhanced compensation?*"

10. Our finding on the above point is in "affirmative" for the following reasons:-

11. The Tribunal assessed the income of injured at ₹.15,000/- based on his letter of appointment as per Ex.P.11 and has taken the relevant multiplier at 18 as the age of the claimant is 24 years as on the date of accident. Thus, the multiplier taken by the Tribunal, based on judgment of the Hon'ble Supreme Court in the case of **Sarla Verma & Others Vs. Delhi Transport Corporation & Another¹** is correct. The claimant has undergone fasciotomy over medial and lateral aspect of right leg on 21.12.2021 and Split Thick Skin Grafting was also done on 29.12.2021. On 21.12.2021, DRIF with Bicondylar plating

¹ 2009 ACJ 1298



and external fixator removal was done as per the discharge summary.

12. The doctor has stated permanent physical disability of 35% to the right lower limb. One third of it would be 12%. But Tribunal has assessed it at 10%.The Tribunal has not given any reason as to why it has taken disability at 10%. It ought to have been taken as one third of the disability of particular limb, to the whole body. Thus, the disability of 10% taken by the Tribunal is not proper. Hence, we are of the considered opinion that it should be assessed at 12%. Accordingly, the claimant is entitled for compensation of $(₹.15,000/- \times 12\% = 1800 \times 12 \times 18) = ₹.3,88,800/-$ under the head loss of future income due to disability.

13. Hospital and medical expenses are properly given by the Tribunal by examining the medical bills and thus, it needs no interference; likewise, the Tribunal has awarded compensation under the head- Loss of income during laid up period as 3 months' notional income and thus, it needs



no interference. The claimant has undergone several surgeries and he was inpatient from 21.12.2021 to 10.01.2022 i.e. for 20 days. Considering it, we are of the opinion that claimant is entitled for a total compensation of ₹.50,000/- under the head pain, agony and sufferings instead of ₹.30,000/- granted by the Tribunals. As far as food, nourishment, transportation and attendant charges are concerned, the Tribunal has awarded ₹.23,000/-, which is on lower side and it ought to be ₹.30,000/-, because the claimant has sustained permanent physical disability of right lower limb. For loss of amenities in life, considering his age and disability sustained by him, we are of the opinion that totally ₹.50,000/- is to be awarded under this head instead of ₹.20,000/- awarded by the Tribunal.

14. Thus, the claimant would be entitled to modified compensation as under:

Sl.No.	Particulars	Amount (in ₹.)
1	Loss of future income due to disability	3,88,800/-
2	Hospital and medical expenses	3,56,272/-
3	Pain, agony and sufferings	50,000/-



4	Food and nourishment, transportation and attendant charges.	30,000/-
5	Loss of income during laid up period	45,000/-
6	Loss of amenities in life	50,000/-
	Total	9,20,072/-

15. Thus, the claimant would be entitled to total compensation of ₹.9,20,072/- as against ₹.7,98,272/- awarded by the Tribunal.

16. Hence, we pass the following order:

ORDER

- a) The appeal is ***allowed in part.***
- b) The impugned judgment & award passed by the Tribunal is modified to an extent that the claimant would be entitled to total compensation of ₹.9,20,072/- as against ₹.7,98,272/- awarded by Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till realization.
- d) Respondent-Insurer shall deposit the enhanced compensation amount along



with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

- e) Disbursement and deposit of the enhanced amount shall be made as per award of the Tribunal.
- f) Draw modified award accordingly.
- g) No order as to costs.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**