



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH 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. 103927 OF 2016 (MV-I)

BETWEEN:

MAHEBOOB @ MEHABUB
S/O. KHAJAHUSEN TABELI,
OCC: PEON IN URBAN BANK, AGE: 28 YEARS,
R/O: WARD NO.2,
MITTIKERI STREET, KOPPAL,
TQ. AND DIST: KOPPAL.

...APPELLANT

(BY SRI B.V. SOMAPUR, ADVOCATE)

AND:

1. VEERAPPA S/O. GURUSIDDAPPA SANKALPUR,
AGE: 54 YEARS, OCC: BUSINESS AND DRIVER OF
CAR NO.GA-08/K7994,
R/O: KATARKI ROAD, KOPPAL,
TQ. AND DIST: KOPPAL.
2. SHAMBU S/O. GURUSIDDAPPA SANKALPUR,
AGE: 51 YEARS, OCC: BUSINESS AND OWNER OF
CAR NO.GA-08/K7994,
R/O: KATARKI ROAD, KOPPAL,
TQ. AND DIST: KOPPAL.



3. LEGAL MANGER,
UNIVERSAL SOMPO GENERAL INSURANCE CO. LTD.,
PPC: PLOT NO.EL-94, 1ST FLOOR,
TTC INDUSTRIAL AREA,
MIDC, MAHAPE MANUAL
NEW MUMBAI-400710, MANUAL COVER NOTE,
NO: USGIA/POLICY NO.2015048192
PERIOD: 14/2/2015 TO 13/2/2016.

...RESPONDENTS

(BY SRI NAGARAJ C. KALLORI, ADVOCATE FOR R3;
R2-NOTICE DISPENSED WITH;
NOTICE SERVED TO R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988, PRAYING THAT, THE JUDGMENT AND AWARD PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND ADDITIONAL MACT, KOPPAL IN MVC NO.599/2015 DATED 02.11.2016, SO FAR AS IT RELATES TO QUANTUM OF COMPENSATION AWARDED IS CONCERNED MAY PLEASE BE MODIFIED AND THE COMPENSATION MAY BE AWARDED TO THE APPELLANT AS CLAIMED BY HIM IN THE CLAIM PETITION AND THE INTEREST AT THE RATE OF 9.24% P.A. BE AWARDED ON THE AWARDED AMOUNT FROM THE DATE OF PETITION TILL ITS REALIZATION AND THE COST OF THE APPEAL BE AWARDED TO THE APPELLANT ETC.,.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 MR. JUSTICE S G PANDIT)

The appellant-injured is before this Court under Section 173(1) of the Motor Vehicles Act, 1988 (for short 'the MV Act') seeking enhancement of compensation, not being satisfied with the quantum of compensation awarded under judgment and award dated 02.11.2016 in MVC No.599/2015 on the file of Senior Civil Judge and Additional MACT, Koppal (for short 'Tribunal').

2. Brief facts of the case are that appellant-claimant filed claim petition under Section 166 of Motor Vehicles Act, 1988, claiming compensation for the accidental injuries suffered in a road traffic accident that took place on 4.11.2015 involving motorcycle bearing No.KA-37/V-8977 and car bearing No.GA-08/K-7994. It is stated that the claimant-appellant was earning Rs.12,000/- per month from his peon work at Urban Co-operative Bank, Koppal. It was stated that he was aged about 31 years as on the date of accident.



3. On issuance of notice, respondent No.3 has filed written statement contending that the rider of the motorcycle was not holding driving license to ride the motorcycle and the owner of the offending vehicle has violated the policy conditions. Claimant examined himself as PW1 and marked Exs.P.1 to P.18 documents on his behalf. No witness or document was marked on behalf of the respondents. The trial Court, considering the material on record, awarded total compensation of Rs.1,15,943/- on the following heads.

Heads of compensation	Amount In (Rs.)
Pain and sufferings	5,000-00
Medical expenses	15,140-00
Loss of future income	94,003-00
Loss of amenities, nutrition, diet and attendant charges	1,800-00
Total	1,15,943-00

4. While awarding the above compensation, the Tribunal had assessed the income of the claimant at Rs.6,150/- and assessed the permanent physical disability at 8%, adopted multiplier of 16. The claimant not being



satisfied with the quantum of compensation is before this Court in this appeal praying for enhancement of compensation.

5. Learned counsel Sri.B.V.Somapura for claimant would submit that the Tribunal committed an error in assessing the income of the claimant at Rs.6,150/- and he submits that notional income in terms of the Karnataka State Legal Services Authority is Rs.8,000/- p.m., which ought to have been taken to determine the loss of income. Further, learned counsel would submit that the compensation awarded on the head-pain and sufferings, and loss of amenities, nutrition, diet and attendant charges are on the lower side and he prays for enhancement of the same. Further, he submits that the appellant was inpatient for 7 days. As such, compensation awarded on the head of pain and sufferings is to be enhanced. Thus, he prays for allowing the appeal.

6. Per contra, learned counsel Sri.Nagaraj C. Koloori would submit that the compensation awarded by the



Tribunal is just and proper and hence prays to dismiss the appeal.

7. Having heard the learned counsel for the parties and on perusal of the entire appeal papers including trial Court records, the only point that would arise for consideration is

1) Whether claimant-appellant would be entitled for enhanced compensation?

8. The answer to the above point is in the affirmative for the following reasons:-

The accident that took place on 04.11.2015 involving motorcycle bearing No.KA-37/V-8977 and car bearing No.GA-08/K-7994 and the injury sustained by the claimant is not in dispute in this appeal. The claimant is before this Court seeking enhancement of compensation. The claimant has sustained grievous injury and fracture of right shaft femur. The disability certificate would indicate that the claimant has suffered 25% permanent disability to a



particular limb. However, the Tribunal has rightly assessed the permanent disability of the claimant at 8% which needs no interference.

9. The Tribunal committed grave error in assessing the income of the claimant at Rs.6,150/- p.m. In the absence of material to establish income, this Court shall assess the income notionally. The notional income fixed for the accident of the year 2015 in terms of the chart prepared by the Karnataka State Legal Services Authority is Rs.8,000/- p.m. In the instant case, as the claimant-appellant has failed to produce the documents to establish income, it is appropriate to assess the income at Rs.8,000/- per month.

10. As stated by the claimant who was inpatient for seven days, he has suffered fracture. In the said circumstances, awarding of Rs.5,000/- compensation on the head of pain and suffering by the Tribunal is on the lower side. It would be appropriate to add another Rs.45,000/-.



Thus, claimant would be entitled for Rs.50,000/- on the head of pain and sufferings.

11. The Tribunal has failed to award compensation on the head of loss of amenities independently. Since, the claimant has suffered a fracture of right shaft femur, the amenities could be assessed at Rs.50,000/- and the claimant would be entitled for Rs.50,000/- on the head of loss of amenities.

12. The Tribunal has awarded a sum of Rs.1,800/- towards nutrition, diet and attendant charges. Since the claimant was inpatient for more than nearly 7 days, it would be appropriate to award a sum of Rs.25,000/- towards nutrition, diet and attendant charges.

13. Thus, the claimant would be entitled for the following modified compensation.

Sl.No.	Particulars	(Rs.)
1.	Pain and sufferings	50,000-00
2.	Medical expenses	15,140-00
3.	Loss of future income (8000X12X16X8%)	1,22,880-00
4.	Loss of amenities,	50,000-00



5.	Nutrition, diet and attendant charges	25,000-00
	Total	2,63,020-00

14. Thus, the claimant would be entitled to total compensation of **Rs.2,63,020/-** as against Rs.**1,15,943-00** awarded by the Tribunal.

15. Accordingly, we proceed to pass the following order:

ORDER

- a) The appeal is **allowed**.
- b) The impugned judgment & award passed by the Tribunal is modified to an extent that the claimant would be entitled to total compensation of Rs.**2,63,020-00** as against Rs.**1,15,943-00** awarded by Tribunal.
- c) The enhanced compensation amount will bear 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.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE