



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 1ST DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO.103011 OF 2019 (MV-I)

BETWEEN:

SRI. CHETHAN KUMAR B.
S/O SRI. SRINIVAS B.
AGED ABOUT 26 YEARS,
R/O ILIGANUR CAMP,
GANGAVATHI TALUK, KOPPAL DISTRICT.

...APPELLANT

(BY SRI. T. BASAVANA GOUD, ADVOCATE)

AND:

1. RAJASHEKAR P. @ RAJU. SRI. ESHWARAPPA
AGED ABOUT, 36 YEARS,
R/O D.NO.176, KUDITHINI VILLAGE,
BALLARI TALUK AND DISTRICT.
(DRIVER OF THE CAR BEARING NO.KA-25 TC-006679)
2. SRI. M. MAHANTHESH S/O SRI. K. CHENNABASAPPA
MAJOR, R/O HOUSE NO.108,
WARD NO.2, NEAR DEDIGERE KATTE,
KURUGODU VILLAGE, BALLARI TALUK & DISTRICT.
(OWNER OF THE CAR BEARING NO.KA-25 TC -006679)
3. BRANCH MANAGER,
HUBBALLI BRANCH,
HDFC ERGO GENERAL INSURANCE CO., LTD.,
OPP. KIMS MAIN GATE, R.B. ROAD,
VIDHYA NAGAR, HUBBALLI-580020.

...RESPONDENTS

(BY SRI. IRANAGOUDA K. KABBUR, ADVOCATE FOR R3;
NOTICE TO R1 IS DISPENSED WITH;
NOTICE TO R2 IS SERVED)



THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO CALL FOR THE RECORDS IN MVC NO.341/2016 ON THE FILE OF THE III MOTOR ACCIDENT CLAIMS TRIBUNAL BALLARI AND MODIFY THE JUDGMENT AND AWARD DATED 29.12.2018 PASSED BY THE III MOTOR ACCIDENT CLAIMS TRIBUNAL BALLARI IN SO FAR GRANTING A COMPENSATION ONLY A SUM OF RS.2,65,000/- WITH 8% INTEREST AS A COMPENSATION TO THE APPELLANT HEREIN AND ETC.

THIS MFA COMING ON FOR ORDERS, 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 claimant-injured is before this Court dissatisfied with the quantum of compensation awarded under judgment and award dated 29.12.2018 in M.V.C. No.341/2016 on the file of learned Member, MACT-III, Ballari (for short, 'Tribunal'), praying for enhancement of compensation.

2. Heard learned counsel Sri. T. Basavana Goud for the appellant and Sri. Iranagouda K. Kabbur, learned counsel for respondent-Insurance Company and perused the appeal papers.

3. The appellant/claimant filed a claim petition under Section 166 of the M.V. Act claiming compensation for the



injuries sustained by him in a road traffic accident that occurred on 03.08.2015 involving Bike bearing temporary registration No.KA-34/NT-008045 and Car bearing temporary registration No.KA-25-TC-006679. It is stated that the appellant/claimant was aged about 23 years as on the date of the accident and working as Supervisor in M/s. Laxmi Rama Constructions, earning Rs.10,500/- per month.

4. On issuance of notice, respondent-Insurance Company appeared through its counsel and filed statement of objections denying the entire claim petition averments. It was contended that due to negligence on the part of rider of the bike, the accident took place. It was further contended that the driver of the car had no valid and effective driving license as on the date of accident. Hence, sought for dismissal of the claim petition.

5. The claimant in support of his case examined himself as PW1 and examined two witnesses as PW2 & PW3 apart from marking twenty documents as Exs.P1 to P20. The respondents did not examine any witness nor marked any document. The Tribunal on appreciation of material on record,



awarded total compensation of Rs.2,65,000/- with interest at 8% per annum from the date of petition till the date of realization on the following heads:

Pain & suffering	Rs.40,000/-
Loss of amenities & comfort	Rs.40,000/-
Medical expenses	Rs.95,000/-
Attendant charges, conveyance & other incidental expenses	Rs.15,000/-
Loss of income during laid-up period	Rs.15,000/-
Permanent physical impairment	Rs.60,000/-

Total	Rs.2,65,000/-

6. While awarding the above compensation, the Tribunal assessed notional income of the claimant/injured at Rs.10,500/- per month, however, did not award any compensation on the head of loss of future income, as the claimant had continued to work in his earlier job as supervisor. Not being satisfied with the quantum of compensation, the claimant is before this Court praying for enhancement of compensation.

7. Sri.T. Basavana Goud, learned counsel for the appellant/injured would submit that though the Tribunal assessed income of the injured at Rs.10,500/-, but committed an error in not awarding any compensation on the head of loss



of future income due to disability. He submits that the Tribunal has awarded meager compensation under each heads, which requires to be modified by awarding appropriately. Thus, he prays for enhancement of compensation by allowing the appeal.

8. Per contra, Sri.Iranagouda Kabbur, learned counsel for respondent-Insurance Company supporting the impugned judgment and award of the Tribunal submits that even after the accident, the claimant has continued to work as Supervisor, hence, question of awarding compensation under the head loss of future income due to disability would not arise. He further submits that the quantum of compensation awarded by the Tribunal is just and proper, which needs no interference. Thus, he prays for dismissal of the appeal.

9. Having heard the learned counsel for the parties and on perusal of the appeal papers, the only point that would arise for consideration in this appeal is, *whether the appellant/claimant would be entitled for enhanced compensation?*



10. Answer to the above point would be in the '*affirmative*' for the following reasons.

11. The occurrence of the accident that took place on 03.08.2015 involving Bike bearing temporary registration No.KA-34/NT-008045 and Car bearing Temporary registration No.KA-25-TC-006679, resulting in injuries to the claimant is not in dispute in this appeal. The claimant is before this Court praying for enhancement of compensation. The Tribunal assessed notional income of the claimant at Rs.10,500/- per month, however, did not award any compensation on the head of loss of future income due to disability. Admittedly, even after the accident, the claimant has continued to work as Supervisor, as he was doing earlier. Hence, question of granting compensation on the head of loss of future income does not arise. Hence, the Tribunal is justified in refusing to grant compensation on the head of loss of future income due to disability.

12. The claimant has sustained fracture of shaft of right femur and other injuries. In support of his case, the claimant examined PW3-Doctor, who has deposed in his



evidence that the injured/claimant has suffered 24% permanent partial physical disability. Further, the claimant was an inpatient for a period of 7 days.

13. Taking note of injuries sustained by the claimant and period of treatment taken by him, the Tribunal awarded a total compensation of Rs.2,65,000/- under different heads, which in our view is on the lower side.

14. Considering the nature of injuries and also fracture sustained by the claimant, instead of enhancing the compensation under all heads, we deem it appropriate to award a global compensation of Rs.1,00,000/-, which would meet the ends of justice. Accordingly, the claimant would be entitled to a global sum of **Rs.1,00,000/-**, in addition to the compensation already awarded by the Tribunal. To that extent, the impugned judgment and award is modified.

15. 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 a



global compensation of **Rs.1,00,000/-**, in addition to the compensation already awarded by the Tribunal.

- c) Respondent-Insurance Company shall deposit the enhanced compensation amount before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- d) On such deposit, the same shall be released in favour of the appellant/claimant.
- e) Draw modified award accordingly.

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

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