



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. 103901 OF 2015 (MV-I)

BETWEEN:

MANAGING DIRECTOR
NWKRTC HUBBALLI
REPRESENTED BY DEPT MANAGER MAGOOD ROAD
RANEBENNUR-581115, DIST. HAVERI.

REPRESENTED BY CHEIF LAW OFFICER
NWKRTC GOKUL ROAD, HUBBALLI-580030.

...APPELLANT

(BY SRI. M.K. SOUDAGAR, ADVOCATE)

AND:

SANGANABASAPPA
S/O. CHANNABASAPPA BANAKAR
AGE:45 YEARS, OCC. AGRICULTURE
R/O. HANUMANAHALLI,
TQ. RANEBENNUR-581114, DIST. HAVERI

...RESPONDENT

(BY SRI. CHANDRASHEKHAR HOSAMANI, ADVOCATE)

THIS MFA FILED U/S.173(1) OF MV ACT, PRAYING TO SET
ASIDE THE JUDGMENT AND AWARD DATED 01.04.2015 PASSED
IN MVC NO.558/2013 ON THE FILE OF THE PRINCIPAL SENIOR
CIVIL JUDGE AND MEMBER MOTOR ACCIDENT CLAIMS
TRIBUNAL AT RANEBENNUR AND ETC.,.

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



ORAL JUDGMENT

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

Heard the arguments of learned counsel Sri M.K.Soudagar for appellant and learned counsel Sri Chandrashekhar Hosamani for respondent.

2. This appeal is filed by the appellant-insurer under Section 173(1) of the Motor Vehicles Act, 1988 against the judgment and award passed in MVC No.558/2013 dated 01.04.2015 on the file of Senior Civil Judge and MACT, Ranebennur (for short, 'Tribunal') questioning the quantum of compensation awarded by the Tribunal.

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

4. Brief facts of the case are that on 07.02.2013 at about 9.00 a.m. claimant was proceeding as pedestrian by left side of the road on Hanumanahalli-Teredahalli road near Hanumanahalli village; at that time, driver of KSRTC bus



bearing Reg.No.KA-27/F-356 came in a rash and negligent manner and dashed against the claimant; due to which he sustained grievous injuries; immediately after the accident, he was shifted to PHC, Ranebennur for first-aid treatment and then taken to Apoorva Hospital, Davangere for further treatment; he has taken treatment as inpatient for one month and spent ₹.1,00,000/- towards treatment and still requires ₹.50,000/- for future treatment; he was earning ₹.20,000/- per month by doing agriculture. Hence, prayed for compensation of ₹.13,40,000/- with interest at 12% per annum.

5. On service of notice, respondent No.2-insurer appeared through its counsel and filed objection statement, wherein it denied the entire case of the claimant and prayed for dismissal of the claim petition.

6. On behalf of claimant, claimant was examined as P.W.1, examined the doctor as P.W.2 apart from marking



Exs.P.1 to P.13 and closed his side. On behalf of respondents, no evidence was let in.

7. After recording evidence of both sides and hearing the arguments of both sides, the Tribunal has totally awarded the compensation at ₹.1,81,100/- under different heads as follows:

1.	Towards Pain and Suffering	Rs.35,000-00
2.	Medical Expenses	Rs.37,100-00
3.	Diet, Nourishment, conveyance and Attendant charges	Rs. 3,000-00
4.	Towards loss of income during laid-up period-	Rs.12,000-00
5.	Loss of Future Income on account of permanent Physical Disability	Rs.84,000-00
6.	Loss of Amenities and Enjoyment of Life	Rs.10,000-00
Total		Rs.1,81,100-00

8. Being aggrieved by the said judgment and award, the insurer has filed this appeal on the ground that the compensation awarded by the Tribunal is erroneous.



Hence, prayed for allowing the appeal by reducing the quantum of compensation.

9. Learned counsel Sri Chandrashekhar Hosamani appearing for the claimant would submit that the compensation awarded by the Tribunal is on lower side but as he has not preferred any appeal, the award passed by the Tribunal may be confirmed.

10. Having heard the arguments of both sides and on verifying the appeal papers, the only point that would arise for consideration is, *"whether the appellant-insurer is able to prove that the compensation awarded by the Tribunal is on higher side?"*

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

12. There is no serious dispute about the nature of accident, place, date, time of accident and nature of injuries sustained by the claimant and his avocation. The only dispute is regarding the income of the injured.



13. It is alleged that the claimant was working as agriculturist and earning ₹.20,000/- per month. However, no material is produced to show the same. When the actual income of the injured is not produced, then the guidelines issued by the KSLSA for Lok-Adalath is to be considered. Hence, the notional income of the injured is to be taken at ₹.7,000/- for the accident of the year 2013.

14. The Tribunal has considered the disability of the claimant at 10% by examining the wound certificate, disability certificate and evidence of doctor and also nature of injuries sustained by the claimant injured even though the doctor has stated that the disability is 40%. Even such 10% is taken as disability of the claimant, then, 10% of ₹.7,000/- is $₹.7,00 \times 12 \times 14 = ₹.1,17,600/-$, as the age of claimant was 43-44 years; However, the Tribunal has awarded only ₹.84,000/- under the said head.

15. As far as nature of injuries to the claimant are concerned, there were two grievous injuries on two vital



parts of the body i.e., on right side of pelvic bone and the right wrist and 6th and 7th ribs of right chest. Hence, even the compensation awarded towards pain and suffering at ₹.35,000/- by the Tribunal is on lower side. The compensation awarded towards loss of income during laid up period at ₹.12,000/- is also on lower side because the claimant ought to have taken treatment and rest at least for three months for the aforesaid injuries. Thus, the compensation that could have been awarded under this head would be ₹.21,000/-

16. As far as other heads are concerned, the Tribunal has awarded proper compensation. Hence, if total compensation under these heads i.e., loss of income due to disability, pain and suffering and laid up period is considered, the total compensation awarded by the Tribunal at ₹.1,81,100/- is less than what actually the claimant is entitled to. However, as the claimant has not preferred any appeal, I have no other option but to confirm the award passed by the Tribunal.



17. For the above reasons, I pass the following:

ORDER

- a) The appeal is dismissed.
- b) Amount in deposit, if any, is ordered to be transmitted to the Tribunal forthwith.

Sd/-
(GEETHA K.B.)
JUDGE

SH
CT-CMU
LIST NO.: 1 SL NO.: 25