



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO. 203221 OF 2024 (MV-I)

BETWEEN:

DHEERAJ
S/O PRABHU,
AGED ABOUT 22 YEARS,
OCC: WELDER,
R/O: SAI NAGAR,
NAUBAD BIDAR – 585 401.

...APPELLANT

(BY SRI SANTOSH BIRADAR, ADVOCATE)

AND:

1. VENKAT R.GUMPALLI
AGE: MAJOR,
OCC: BUSINESS,
GVR INFRA TECH PVT LTD.,
GAYATRI MILLENNIUM APARTMENT,
ARUNODAYA COLONY, MADHVPUR,
RANGA REDDY – 500 081.
2. THE MANAGER,
FUTURE GENERAL INDIA INSURANCE CO. LTD.,
OFFICE CODE, 15 FIRST FLOOR,
D. NO.7-1-21A, APDL, ESTATE,



OPP: COUNTRY CLUB, BEGUMPET,
HYDERABAD – 500 016.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2;
V/O DATED 05.11.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL MODIFY THE IMPUGNED JUDGMENT AND AWARD DATED 03.01.2024 PASSED BY THE COURT OF THE II ADDL. SENIOR CIVIL JUDGE AND JMFC, AT BIDAR, IN MVC NO. 354/2022 AND ENHANCE THE COMPENSATION AS PRAYED FOR, IN THE INTEREST OF JUSTICE.

THIS MFA, COMING ON FOR FURTHER ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

This appeal under Section 173(1) of Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') has been filed by the claimant challenging the judgment dated 03.01.2024 passed by II Addl. Senior Civil Judge and JMFC, Bidar in MVC No.354/2022.

2. Facts giving rise to the filing of the appeal briefly stated are that on 26.02.2022 the claimant was



proceeding on motorcycle bearing registration No.KA-38/W-9579 from Naubad to Hedgapur. When he reached near Hajnal cross on Nittur Hedgapur road at about 3.00 pm., at that time, car bearing registration No.TS-07/GE-2324 being driven by its driver at a high speed and in a rash and negligent manner, came in opposite direction and dashed to the vehicle of the claimant. As a result of the aforesaid accident, the claimant fell down, sustained grievous injuries and was hospitalized.

3. The claimant filed a petition under Section 166 of the Act, seeking compensation. It was pleaded that he spent significant amount towards medical expenses, conveyance charges and other related costs. It was further pleaded that the accident occurred solely on account of rash and negligent driving of the offending vehicle by its driver.

4. Upon service of notice, the respondent Nos.1 and 2 appeared through counsel and filed written statement denying the averments made in the claim petition.



5. On the basis of the pleadings of the parties, the Claims Tribunal framed the issues and thereafter, recorded the evidence. The Tribunal, by impugned judgment and award has partly allowed the claim petition and held that the claimant is entitled to a compensation of Rs.11,43,500/- along with interest at the rate of 6% p.a. and directed respondent No.2 to deposit the compensation amount along with interest. Being aggrieved, the present appeal has been filed.

6. The learned counsel for the claimant has raised the following contentions:

a) Firstly, the claimant asserts that he was earning Rs.20,000/- per month by doing welding work in a workshop. He has examined the employer as PW.2 and he has produced salary certificate. However, the Tribunal has erred in taking the income as merely as Rs.14,000/- per month.

b) Secondly, the claimant has examined Dr. Mallikarjun GB as PW-3. The Tribunal undervalued the claimant's



whole-body disability at 17%, contradicting the evidence of the doctor that the claimant suffered 49% disability.

c) Lastly, due to the accident, the claimant has sustained grievous injuries. He was treated as inpatient for a period of 39 days. Even after discharge from the hospital, he was not in a position to discharge his regular work. He has suffered lot of pain during treatment. Considering the same, the overall compensation awarded by the Tribunal is on the lower side and the Tribunal has failed to grant any compensation for under the head 'loss of amenities'.

With the above contentions, the learned counsel sought to allow the appeal.

7. On the other hand, the learned counsel for the Insurance Company has raised the following counter-contentions:

a) Firstly, even though the claimant has examined his employer-PW.2 but his employer has not produced any document to show that he was running a welding shop AK



Engineering Works and paying a salary of Rs.20,000/- to the claimant. In the absence of proof of income, the Tribunal has assessed the income of the claimant notionally.

b) Secondly, the claimant has examined doctor as PW.3. In his evidence, he has deposed that the claimant has suffered 21% disability to lower left limb and 11% to the lower right limb and total he has assessed the disability to the extent of 49%. The Tribunal considering the injuries sustained by the claimant and evidence of the doctor, has rightly assessed the whole body disability at 17%.

c) Thirdly, considering the injuries sustained by the claimant and considering the age and avocation of the claimant, the overall compensation awarded by the Tribunal is just and reasonable and it does not warrant interference.

With the above contentions, the learned counsel sought to dismiss the appeal.



8. Heard the learned counsel for the parties and perused the judgment and award of the Tribunal.

9. It is not in dispute that the claimant has sustained injuries in the road traffic accident occurred on 26.02.2022 due to rash and negligent driving of the offending vehicle by its driver.

10. The claimant claims that he was earning Rs.20,000/- per month. He has examined his employer as PW.2 and produced Ex.P19-salary certificate but he has not produced any bank statement to substantiate his claim. Therefore, in the absence of proof of income, notional income has to be assessed. Since, he was working in AK Engineering as a skilled worker, considering his age and avocation, we are of the opinion that the monthly income of the claimant has to be considered as Rs.16,000/- per month.

11. As per wound certificate, the claimant has sustained CLW in the sub mantle region, abrasion over the right



eyebrow region and other injuries, fracture of right tibia and pulmonary embolism. Taking into consideration the deposition of the doctor and injuries mentioned in the wound certificate, the Tribunal has rightly taken the whole body disability at 17%. The claimant is aged about 18 years at the time of the accident and multiplier applicable to his age group is '18'. Thus, the claimant is entitled for compensation of **Rs.5,87,520/-** ($\text{Rs.16,000} \times 12 \times 18 \times 17\%$) on account of 'loss of future income'.

12. The nature of injuries indicates that the claimant must have been under rest and treatment for a period of 3 months. Consequently, the claimant is entitled for compensation of **Rs.48,000/-** ($\text{Rs.16,000} \times 3 \text{ months}$) under the head 'loss of income during laid up period'.

13. Due to the accident, the claimant has suffered grievous injuries and also undergone surgery. The claimant was hospitalized as an inpatient for more than 39 days in the hospital and subsequently received further



treatment. Considering the prolonged pain during treatment as well as the permanent disability certified by the doctor, we are inclined to enhance the compensation awarded by the Tribunal under the head of 'pain and sufferings' from Rs.20,000/- to **Rs.60,000/-** and also, claimant is entitled for the compensation under the head 'loss of amenities' for **Rs.40,000/-**.

14. Considering the nature of injuries, the compensation awarded by the Tribunal under other heads is just and reasonable.

15. Thus, the claimant is entitled to the following compensation:

Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
Loss of future income	5,14,080	5,87,520
Loss of income during laid up period	2,802	48,000



Pain and sufferings	20,000	60,000
Loss of amenities	-	40,000
Attendant	3,000	3,000
Medical expenses	5,23,529	5,23,529
Special diet food	20,000	20,000
Nourishment	20,000	20,000
Transportation	20,000	20,000
Future medical expenses	20,000	20,000
Total	11,43,411/-	13,42,049

16. In the result, the following order is passed:

ORDER

- a) The appeal is **allowed in part**.
- b) The judgment of the Claims Tribunal is modified.
- c) The claimant is entitled to a total compensation of **Rs.13,42,049/-**.
- d) The Insurance Company is directed to deposit the compensation amount along with interest @ 6% p.a. from the date of filing of the claim petition till the date of



realization, within a period of six weeks from the date of receipt of copy of this judgment.

- e) The deposit and release of amount shall be made in terms of the award of the Tribunal.

**Sd/-
(H.T.NARENDRA PRASAD)
JUDGE**

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

SHS
List No.: 1 SI No.: 37