

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.102168 OF 2020 (MV-I)

BETWEEN:

SHRI. ULAVAPPA S/O SHIVAPUTRAPPA GHODAGERI
AGE: 50 YEARS, OCC: AGRICULTURE COOLIE, NOW NIL,
R/O: HIREBAGEWADI 590001. TQ: AND DIST: BELAGAVI.

...APPELLANT

(BY SRI. HANAMANT R. LATUR, ADVOCATE)

AND:

1. SHRI YALAGOUDA S/O SANAGAOUDA PATIL,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: HIREBAGEWADI 590001. TQ: AND DIST: BELAGAVI.

2. SHRI. MALLIKARJUN S/O SHIVAPUTRAPPA GHODAGERI,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: H.NO-838, NEAR RESHMI ILAKHE,
HIREBAGEWADI, TQ: AND DIST: BELAGAVI-590001.

3. THE BRANCH MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED,
MARCHANT'S BANK BUILDING, 1ST FLOOR,
S.R. CIRCLE, BAILHONGAL, PIN: 591102.
TQ: BAILHONGAL, DIST: BELAGAVI.

...RESPONDENTS

(SRI. S.S. KOLIWAD, ADVOCATE FOR R3;
NOTICE TO R1 & R2-DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ENHANCE THE COMPENSATION BY MODIFYING THE JUDGMENT AND AWARD PASSED BY SENIOR CIVIL JUDGE AND ADDL. M.A.C.T. BAILHONGAL IN MVC NO.2990/2016 DATED 15.07.2019 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 22.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

1. This appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988, seeking enhancement of compensation awarded by the Senior Civil Judge and Additional MACT, Bailhongal, in MVC No.2990/2016 dated 15.07.2019.

2. The facts of the case are that on 09.06.2016 at about 9.30 a.m., the claimant was traveling as a gratuitous passenger in a Light Motor Vehicle bearing registration No. KA-22/P-1115. While proceeding on Bailhongal-Belagavi road near Mardinagalapur village, a roadside banyan tree fell on the moving vehicle, causing the accident. As a result, the claimant sustained cut lacerated wounds and a fracture of the spinous process of L-1 vertebra. He received inpatient treatment at Malaprabha Multi-Specialty Hospital, Bailhongal, from 09.06.2016 to 14.06.2016 and incurred medical expenses for treatment.

3. The Tribunal, after considering the pleadings, oral and documentary evidence, wound certificates, medical bills, disability certificate, and other material on record, awarded a total compensation of ₹47,774/- with interest at 9% per annum. The Tribunal assessed the claimant's income at ₹40,000/- per

annum, applied a functional disability of 5%, and used a multiplier of 13 to calculate loss of future income.

4. Aggrieved by the same, the claimant preferred this appeal seeking enhancement of compensation, contending that the Tribunal had under-assessed the functional disability, loss of income during treatment, laid-up period, and pain and suffering.

5. The learned counsel for the appellant contended that the claimant had suffered 15% permanent physical disability as per the treating doctor and that the Tribunal erroneously reduced it to 5%. He further submitted that the Tribunal failed to consider loss of income during the two-month laid-up period, and that compensation under pain and suffering, loss of amenities, and future medical expenses was either inadequately assessed or not awarded at all. The appellant prayed for enhancement of the total compensation to a reasonable amount, considering the injuries, disability, and financial loss suffered.

6. The learned counsel for the respondent-Insurance Company submitted that the Tribunal had correctly considered the evidence on record and assessed the compensation in accordance with the nature of injury, medical expenses, and loss

of income. It was contended that the functional disability of 5% fixed by the Tribunal was fair, the laid-up period was not separately claimable, and that no enhancement was warranted. The respondent denied any further liability.

7. This Court has heard the learned counsel for the parties and perused the material on record.

8. On consideration of the evidence and material on record, it is evident that the claimant sustained grievous injury in the accident. PW-3, the treating doctor, has opined that the claimant suffered 15% permanent physical disability, affecting his ability to perform agricultural work. Considering the nature of the injury and functional impairment, it is just and proper to take the disability at 15%. The claimant's annual income of ₹40,000/- is not disputed. Applying 15% disability and a multiplier of 13, the loss of future income comes to ₹78,000/-.

9. The claimant was unable to carry out work for approximately two months during the treatment and recovery period. Accordingly, loss of income during this laid-up period is assessed at ₹6,700/-. The compensation awarded by the Tribunal under medical expenses (₹15,574/-), pain and suffering

(₹5,000/-), and attendant and nourishment charges (₹1,200/-) is just and reasonable and is retained.

10. Considering the above, the enhanced compensation payable to the claimant under various heads is as follows:

Head of Compensation	Tribunal Award (₹)	Enhanced Award (₹)
Medical Expenses	15,574	15,574
Loss of Future Income	26,000	78,000
Loss of Income During Laid-up Period	Not Awarded	6,700
Pain and Suffering	5,000	5,000
Attendant and Nourishment Charges	1,200	1,200
Total Compensation	47,774	1,06,474

11. The Tribunal awarded ₹47,774/-, hence the claimant is entitled to enhancement of ₹58,700/-.

12. In view of the above, this Court proceeds to pass the following:

ORDER

- (i) The appeal is allowed in part.
- (ii) The judgment and award dated 15.07.2019 in MVC No.2990/2016 is modified. The claimant is entitled to enhanced compensation of ₹1,06,474/- with interest at 9% per annum from the date of petition

till realization, subject to exclusion of interest for the delayed period of 289 days.

(iii) The respondent-Insurance Company is directed to deposit the enhanced compensation within eight weeks from the date of receipt of copy of this judgment. Upon deposit, the amount shall be released in favor of the claimant forthwith.

(iv) No order as to costs.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

RSH, CT:VP