

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.100750 OF 2014 (MV)



BETWEEN:

SRI. MAHESH ANANT PATIL,
AGE: 26 YEARS, OCC: MECHANIC,
R/O: AT/PO: NARASEWADI,
TQ: KHANAPUR, DIST: BELGAUM.

...APPELLANT

(BY SRI. B.M. PATIL, ADVOCATE)

AND:

NWKRTC,
BELGAUM DIVISION, BELGAUM,
THROUGH ITS DIVISIONAL CONTROLLER.
(OWNER OF BUS BEARING NO.KA-28/F-1542).

...RESPONDENT

(BY SMT. NIRMALA DODDAMANI, ADVOCATE FOR
SRI. M.B. KANAVI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ENHANCE THE COMPENSATION BY MODIFYING THE JUDGMENT AND AWARD IN MVC NO.2971/2012 DATE 23.01.2014 PASSED BY THE COURT OF VI ADDL. DISTRICT AND SESSIONS JUDGE BELGAUM IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 23.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

CAV JUDGMENT

This appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, calling in question the judgment and award dated 23.01.2014 passed by the VI Addl. District & Sessions Judge and Motor Accident Claims Tribunal, Belagavi, in MVC No.2971/2012.

2. Parties are referred to as per their ranking before the Tribunal.

3. The facts leading to the filing of the appeal are that:

On 01.12.2012 at about 9.15 a.m., the petitioner was riding his Yamaha Fazer motorcycle from Narasewadi towards Halasi on the Nandagad-Nagarali Road, near Government Hospital, Halasi, on the correct side of the road and at a moderate speed. At that time, a bus bearing Registration No. KA-28/F-1542, coming from the opposite direction, was driven by its driver in a rash and negligent manner and at high speed, and while negotiating a curve, the driver lost control of the bus, came to the wrong side of

the road and dashed against the petitioner's motorcycle, resulting in the accident. Due to the impact, the petitioner was thrown off the motorcycle and sustained grievous injuries to his head and mandible, lost twelve teeth, and was immediately shifted to Shri Sai Hospital, Vadagaon, Belgaum, where he was admitted as an inpatient for about 15 days and underwent treatment and surgery. The petitioner is still under follow-up treatment and has incurred medical and incidental expenses to the tune of Rs.1,25,000/-.

The petitioner was aged about 25 years at the time of the accident and was working as a mechanic earning Rs.3,200/- per month. Due to the accidental injuries, he has suffered permanent physical disability and has lost his working and earning capacity, thereby undergoing mental, physical and financial hardship. The accident occurred due to the rash and negligent driving of the bus by its driver. However, the police, in collusion with the driver of the bus, have wrongly filed the charge sheet against the petitioner.

Hence, the petitioner has filed the present claim petition under Section 163-A of the Motor Vehicles Act against the respondent, being the owner-cum-insurer of the offending bus, seeking compensation along with interest at 18% per annum and costs.

4. In response to the notice, the respondent, owner-cum-insurer of the bus bearing Registration No. KA-28/F-1542, has appeared through counsel and filed objection statement denying all the averments, allegations and claims made in the claim petition as false, frivolous, vexatious and untenable in law. The claim petition is not maintainable either in law or on facts and is liable to be dismissed in *limine*. The respondent specifically denies that the alleged accident occurred due to the use or involvement of the respondent's bus in the manner alleged. Without admitting the occurrence of the accident, it is contended that the alleged accident, if at all occurred, was solely due to the rash and negligent riding of the motorcycle by the

petitioner himself, and therefore the police have rightly charge-sheeted the petitioner.

5. The respondent further denies the alleged injuries, treatment, medical expenses and the claim of permanent physical disability as exaggerated and not supported by acceptable evidence. The respondent also denies the age, occupation and income of the petitioner. The compensation claimed is highly excessive, exorbitant and without any basis or logic. Even under Section 163-A of the Motor Vehicles Act, the petitioner has failed to prove the involvement of the vehicle, occurrence of the accident and the injuries sustained. Hence, the respondent submits that it is not liable to pay any compensation to the petitioner and prays that the claim petition be dismissed with costs

6. The Tribunal on the basis of the pleadings of the parties framed issues. The petitioner examined himself as P.W.1, examined the doctor as P.W.2 and got marked Exs.P1 to P15. On the other hand, respondent did not lead any evidence and no documents were marked. The Tribunal after assessing the oral and documentary evidence, allowed

the claim petition in part and awarded compensation of Rs.96,000/- together with costs and interest at 7% p.a. from the date of claim petition till the date of realization.

7. Being aggrieved by the judgment and award, the appellant-claimant filed this appeal.

8. Learned counsel for the appellant submits that the Tribunal has failed to appreciate the nature and gravity of the injuries sustained by the appellant. It is contended that the appellant suffered multiple fractures including facial bones and mandible, underwent surgical treatment and sustained permanent disability affecting his earning capacity. It is further submitted that the Tribunal committed a serious error in restricting medical expenses to Rs.15,000/- despite production of medical bills amounting to Rs.37,016/- and evidence of prolonged hospitalization and follow-up treatment. It is also urged that the Tribunal arbitrarily reduced the permanent disability assessed by PW-2 Doctor and awarded a meagre amount under the head of pain and suffering. Reliance is placed on the recent judgment of the Hon'ble Supreme Court in **RAM MURTI AND**

OTHERS VS. PUNJAB STATE ELECTRICITY BOARD AND ANOTHER,
CIVIL APPEAL No.7143/2022 dated 11.10.2022, wherein the Apex Court extended the benefit of the beneficial provisions of the Motor Vehicles Act even to accidents that occurred prior to the amendment of 2019. On these grounds, enhancement of compensation is sought.

9. Per contra, learned counsel appearing for the respondent-NWKRTC submits that the Tribunal has correctly applied the structured formula under Section 163-A of the Motor Vehicles Act and that the claimant failed to produce cogent evidence regarding higher income or higher functional disability. It is contended that the Doctor examined was not the treating doctor and therefore the Tribunal rightly assessed the disability at 10% to the whole body. It is further submitted that the award passed by the Tribunal is just and proper and does not warrant interference by this Court.

10. Heard the learned counsel for the parties and perused the records.

11. It is not in dispute that the claim petition was filed under Section 163-A of the Motor Vehicles Act. Sub-section (2) of Section 163-A clearly provides that the claimant is not required to plead or establish negligence. The Tribunal has rightly held that the claim under Section 163-A is maintainable. However, while assessing compensation, the Tribunal has adopted a conservative approach which has resulted in awarding inadequate compensation.

12. The material on record discloses that the appellant sustained grievous injuries including fractures to the facial bones, mandible and lower limb and underwent surgical treatment. The nature of injuries, period of hospitalization and the evidence of PW-2 clearly indicate that the appellant has suffered permanent disability which has an impact on his earning capacity and quality of life. The amounts awarded under the heads of pain and suffering and medical expenses do not reflect the gravity of injuries suffered by the appellant.

13. The Hon'ble Supreme Court in **RAM MURTI** (*supra*) has held that the beneficial provisions introduced under Section 164 of the Motor Vehicles Act, 2019 can be extended even to cases where the accident occurred prior to the amendment, having regard to the social welfare object of the legislation. The Apex Court has emphasized that the provisions of the Motor Vehicles Act being beneficial in nature deserve liberal interpretation in favour of victims of motor vehicle accidents. Though the present case pertains to personal injuries, the principle laid down in the said judgment squarely applies while determining just and reasonable compensation under the no-fault liability provisions.

14. Considering the totality of the facts and circumstances of the case, the nature of injuries sustained, permanent disability, prolonged treatment, loss of earning capacity and the law laid down by the Hon'ble Supreme Court in **RAM MURTI'S** case, this Court is of the considered view that the compensation awarded by the Tribunal is inadequate and calls for enhancement. A sum of

Rs.2,50,000/- would meet the ends of justice as just and reasonable compensation.

1. Accordingly, this court proceeds to pass the following:

ORDER

- i) The appeal is allowed in part.
- ii) The judgment and award dated 23.01.2014 passed in MVC No.2971/2012 by the VI Addl. District & Sessions Judge and MACT, Belagavi, is modified.
- iii) The appellant is entitled to a total compensation of Rs.2,50,000/- as against Rs.96,000/- awarded by the Tribunal with interest at 7% per annum from the date of the claim petition till realization.
- iv) The respondent-NWKRTC is directed to deposit the enhanced compensation within six weeks from the date of receipt of a certified copy of this judgment.

- v) On such deposit, the amount shall be released in favour of the appellant in accordance with law.
- vi) The amount in deposit, if any, before this court shall be transmitted to the Tribunal forthwith.

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

MBS
CT:VP