

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.100146 OF 2019 (MV-I)

BETWEEN:

SHRI. SHIVAPPA @ SHIVANAND
S/O. MADIWALAPPA LANGOTI
AGE: 32 YEARS, OCC: DRIVER (NOW NIL),
R/O. KITTUR, BASAVESHWAR BADAVANE,
NICCHANAKI ROAD, TQ: KITTUR,
DIST: BELAGAVI-591115.

...APPELLANT

(BY SRI. SANTOSH HATTIKATAGI, ADVOCATE FOR
SRI. SANTOSH B. RAWOOT, ADVOCATE)

AND:

1. SHRI. VEERANNA SHANKARAPPA KURALI
AGE: MAJOR, OCC: BUSINESS,
R/O. AT/POST: GARAG, MANGALGATTI ROAD,
DIST: DHARWAD-581105.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
MARUTI GALLI, BELAGAVI-590001.

...RESPONDENTS

(BY SRI. N.R. KUPPELUR, ADVOCATE FOR R2;
R1-SERVED)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 18.07.2018 PASSED BY THE LEARNED XI ADDL. DISTRICT AND SESSIONS JUDGE AND ADDL. MACT, BELAGAVI IN MVC NO.1966/2017 AND AWARD THE COMPENSATION AS PRAYED FOR IN THE CLAIM PETITION BY ALLOWING THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 29.01.2026 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 ('the MV Act', for short) by the claimant for enhancement of the compensation and to modify the judgment and award dated 18.07.2018 in MVC No.1966/2017, on the file of the XI Additional District and Sessions Judge and Additional MACT, Belagavi (hereinafter referred to as 'the Tribunal' for short).

2. The appellant/respondents herein are the claimant/respondents before the Tribunal.

3. For convenience of reference, the parties herein are referred to as arrayed before the Tribunal.

4. The claim petition is filed under Section 166 of the MV Act seeking compensation of Rs.10,00,000/- for the grievous injuries sustained by the claimant/petitioner in a motor vehicle accident.

5. The brief facts of the case are that:-

On 17.08.2017 at about 4.30 p.m., while the claimant was proceeding in a car bearing registration No.KA-25/P-3031 towards Hunashikatti, near Itagi Cross, he received a phone call

from his friend and accordingly stopped his vehicle. At that time, his friend Mailarappa Badelappannavar arrived in another vehicle bearing registration No.KA-25/AA-1413 and stopped the said vehicle nearby. After meeting, Mailarappa Badelappannavar drove his vehicle in a rash and negligent manner on the right side of N.H.4, and suddenly an iron angle of the said vehicle dashed against the door of the claimant's car, causing a crush injury to the fingers of the claimant's right hand. On account of the said accident, the claimant sustained grievous injuries.

6. After service of notice, both the respondent No.1- Owner of the vehicle and respondent No.2-Insurance Company, appeared through their respective counsel, and respondent No.2 filed objections denying the averments made by the claimant and specifically contended that the liability of the insurance company is subject to proof of the existence of a valid and effective driving licence to the offending Mahindra Bolero Maxi Truck of respondent No.1.

7. In order to substantiate the case of the claimant, the claimant examined himself as PW.1 and another witness Dr. S.R. Angadi as PW.2, and got marked documents as per Exs.P1 to P13. On the other hand, the respondents did not lead any oral

evidence; however, they produced the true copy of the insurance policy.

8. Based on the pleadings, oral and documentary evidence, Tribunal framed issues and awarded compensation of Rs.2,24,200/- with interest @ 9% per annum and fastened liability on the insurance company-respondent No.2.

9. The learned counsel appearing for the appellant/claimant would contend that the Tribunal failed to correctly assess the nature and extent of the grievous injuries sustained by the claimant, including crush injury to the right hand, amputation of the right ring finger, partial amputation of the little finger, and fractures of the metacarpal bones. Despite the treating doctor having assessed permanent disability at 35%, the Tribunal has erroneously considered the same to 8%.

10. It is further contended that the Tribunal has wrongly assessed the monthly income of the claimant at Rs.9,000/-, ignoring the fact that the accident was of the year 2017, the same should be taken at Rs.10,250/- as per the Karnataka Legal Services Authority Chart and thereby awarded inadequate compensation under the head of loss of income. The

compensation awarded towards medical expenses, pain and suffering, loss of income during treatment, attendant charges, and other conventional heads is grossly inadequate, as the Tribunal failed to consider the actual expenses incurred and the overall impact of the injuries.

11. Heard learned counsel appearing on either side and perused the materials on record.

12. Having considered the contentions advanced, the time, manner and mode of accident and fastening liability on the Insurance Company are not in dispute.

13. Considering that the accident occurred in the year 2017 and the claimant has not produced documentary evidence to establish his exact income, the notional income of Rs.10,250/- per month has to be assessed on the basis of the chart prepared by the Karnataka State Legal Services Authority. Since, the claimant was aged about 30 years at the time of the accident; the multiplier applicable is 17, the same is taken correctly by the Tribunal.

14. Further, the doctor has assessed the permanent disability at 35% to the right upper limb of the claimant.

However, the said assessment pertains only to the particular limb and not to the whole body. In the absence of evidence to show total functional disability affecting the entire earning capacity, it is appropriate to take one-third of the limb disability as whole-body disability. Accordingly, this Court deems it just and proper to assess the permanent disability at 12% to the whole body as against 8% disability taken by the Tribunal.

15. Therefore, the loss of future income is reworked as:
$$\text{Rs.10,250/-} \times 12 = \text{Rs.1,23,000/- per annum} \times 17 \times 12\% =$$

Rs.2,50,920/-.

16. Further, under the head of pain and suffering this Court deems it appropriate to enhance the amount of Rs.20,000/- by considering the pain suffered due to injuries sustained. Therefore **Rs.40,000/-** is awarded under the head pain and suffering. The award under medical expenses and food, nutrients and attendant charges are awarded after appreciation of the evidence on record. Hence, the same awarded by the Tribunal is just and proper.

1. 17. It is also observed that the Tribunal has failed to award compensation under the head of Loss of Amenities. The insurance company fairly submitted to consider Rs.30,000/-

towards loss of amenities. Hence, **Rs.30,000/-** is awarded under the head loss of amenities. Further, the loss of income during laid up period is considered at **Rs.20,500/-** (10,250/-X 2 months = Rs.20,500/-). Thus, the compensation payable to the claimant is reassessed as under:

Sl. No.	Head of Compensation	Amount (Rs.)
1	Loss of future income	2,50,920/-
2	Pain and Suffering	40,000/-
3	Medical Expenses	38,328/-
4	Loss of amenities	30,000/-
5	Loss of income during laid up period	20,500/-
6	Food, nutrition and attendant charges	10,000/-
	Total Compensation Rounded off	3,89,748/- 3,89,750/-

18. After considering the above calculations, the claimant is entitled to a total compensation of **Rs.3,89,750/-** as against Rs.2,24,200/- awarded by the Tribunal. The claimant is entitled for enhanced compensation of **Rs.1,65,550/-** with interest at the rate of 6% per annum.

19. In view of the foregoing discussions, this Court proceeds to pass the following:-

ORDER

(i) The appeal is **allowed-in-part**.

- (ii) *The judgment and award dated 18.07.2018, in MVC No.1966/2017, on the file of the XI Additional District and Sessions Judge and Additional MACT, Belagavi is modified. The claimant is entitled for total compensation of **Rs.3,89,750/-** as against Rs.2,24,200/- awarded by the Tribunal. The claimant is entitled for enhanced compensation of **Rs.1,65,550/-** with interest at the rate of 6% per annum.*
- (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 orders as to cost.*

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

KGK
CT:VP