HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO.202651 OF 2023 (MV-I)

BETWEEN:

VAIBHAV S/O KRISHNADEV GHADAGE,
AGE: 29 YEARS,
OCC: HOTEL BUSINESS, NOW NILL,
R/O SHIVANE, TQ. SANGOLA, DIST. SOLAPUR,
NOW R/ AT TORAVI VIJAYPUR,
DIST. VIJAYAPURA- 586 101

...APPELLANT

(BY SRI SANGANABASAVA B. PATIL, ADVOCATE)

AND:

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

1. KULADEEP BHANUDAS GHADAGE,
   AGE: 47 YEARS, OCC: BUSINESS,
   AT POST WELWORTH CLASSIC,
   VRUNDAVAN NAGAR WADDAGAON SHERI,
   PUNE MAHARSHTRA- 411 014.

2. THE BRANCH MANAGER,
   NEW INDIA ASSURANCE CO,LTD.,
   S.S FRONT ROAD, VIJAYAPURA-586 101

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
V/O DTD.22.01.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE IV ADDITIONAL

SENIOR CIVIL JUDGE AND MACT-XV, VIJAYAPURA IN M.V.C.NO.888/2021 DATED 17.11.2022 SEEKING FOR ENHANCEMENT AND BE PLEASED TO ALLOW THE CLAIM PETITION BY GRANTING THE RELIEF AS PRAYED FAR BY THE APPELLANT.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. This appeal is arising out of the judgment and award dated 17.11.2022 in AVC No.888/2021, on the file of the Motor Accident Claims Tribunal No.XV at Vijayapura (hereinafter referred to as 'Tribunal'), awarding compensation.

3. Having taken note of the submission made by the learned counsel appearing for the parties, there is no dispute as to the fact that, the claimant has sustained grievous injuries on account of the accident occurred on 27.02.2020. By looking into the injuries sustained by the claimant as per the wound certificate at Ex.P7 and taking

into account the evidence of PW.2 – treating doctor in the right prospective, I am of the view that, the Tribunal ought to have taken the disability at 15% to the whole body,. The Tribunal has rightly taken the income of the claimant at Rs.14,250/- per month and by applying the appropriate multiplier of 17, the compensation towards loss of future earning capacity would be Rs.4,36,050/- (Rs.14,250x12x17x15%).

4. Taking into consideration the disability certificate produced at Ex.15 and the evidence of PW.2, the award of compensation by the Tribunal is reassessed as follows:

Heads	**Amount**
Pain and suffering	Rs.50,000/-
Loss of earnings during laid up period (Rs.14,250x3)	Rs.42,750/-
Loss of amenities	Rs.10,000/-
Loss of future of earnings	Rs.4,36,050/-
Towards food and nourishment	Rs.20,000/-
Towards attendant charges	Rs.20,000/-
Medical expenses	Rs.5,76,600/-
Total Less: awarded by Tribunal Enhancement	Rs.11,55,400/- Rs.8,01,400/- **Rs.3,54,000/-**

Thus, the clamant is entitled for enhanced compensation of **Rs.3,54,000/-** with interest at the rate of 6% per annum.

5. In the result, I pass the following:

ORDER

I. The appeal is allowed in part.

II. The appellant/claimant is entitled for enhanced compensation of **Rs.3,54,000/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

III. Respondent No.2 - Insurance Company is directed to deposit the compensation amount within six weeks from the date of receipt of certified copy of this judgment.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 37
CT:PK