

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 1<sup>ST</sup> DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI**

**MISCELLANEOUS FIRST APPEAL NO.102193 OF 2014**

**BETWEEN:**

SIDDALINGAPPA S/O BASAPPA NALKURAVI  
AGE: 55 YEARS, OCC: HEAD CONSTABLE,  
R/O. KASABAPETH POLICE STATION,  
HUBLI.

...APPELLANT

(BY SRI DEEPAK MAGNUR, ADVOCATE FOR SRI C.S. PATIL,  
ADVOCATE)

**AND:**

1 . PRADDEP S/O VIRUPAXAYYA PUJAR,  
AGE: MAJOR, OCC: OWNER OF MOTOR CYCLE  
NO.KA 25:EH:1990,  
R/O. KOTARGERI,  
BHAVI ONI, OLD HUBLI, HUBLI

2 . THE ORIENTAL INSURANCE CO. LTD.,  
VIKAS COMPLEX, STATION ROAD, HUBLI,  
BY ITS DIVISIONAL MANAGER

...RESPONDENTS

(BY SRI B.M. ANGADI, ADVOCATE FOR R2;  
NOTICE TO R1 DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173 (1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED: 05.06.2014, PASSED IN MVC.NO.454/2012 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE & ADDL. MACT, HUBLI, BY AWARDED THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 17.03.2026, THIS DAY, DELIVERED THE FOLLOWING:

**CAV JUDGMENT**

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

The Claimant in MVC No.454/2012 on the file of learned Principal Senior Civil Judge and Additional MACT, Hubli, has directed this appeal against the judgment and award dated 05.06.2014 passed therein, praying to award compensation as prayed in the claim petition by modifying impugned award.

2. The Claimant maintained the petition in MVC No.454/2012 under Section 166 of Motor Vehicles Act, 1988 seeking compensation of Rs.5,20,000/- from the owner and insurer of motorcycle bearing No.KA-25-EH-1990. The case of the Claimant is that on 22.01.2012 at 11.40 p.m., when he was going on a motorcycle bearing No.KA-25-EH-106 from Hubli Indi Pump towards M.T. Mill, near Aravind Nagar Cross, the rider of motorcycle bearing No.KA-25-EH-1990 came from opposite direction at a great speed and in the process of overtaking an auto-rickshaw, he lost control over his vehicle and dashed it against claimant's motorcycle and caused the accident. It is stated that due to the impact, the claimant sustained grievous injuries.

3. On service of notice, both the owner and insurer of the offending vehicle appeared before the Tribunal through their counsel. However, only the insurer filed their objection and contested the petition. Based on the pleadings and documents available on record, the Tribunal framed relevant issues. During the evidence, the claimant got examined as PW-1, examined four more witnesses and got marked documents as Exs.P1 to P27. The Insurer did not adduce any oral evidence. However, they got marked the policy as Ex.R1 with the consent of the claimant.

4. Afterwards, the Tribunal heard the arguments of the counsel appearing for both sides, considered the materials on record and allowed the claim petition in part. The Tribunal accepted the contentions of the claimant regarding cause for the accident and awarded compensation of Rs.1,57,154/- together with interest at the rate of 6% p.a. from the date of petition till its realization. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the claimant has come up with this appeal.

5. Sri Deepak Magnur, learned Counsel appearing for Sri C.S. Patil, Counsel for the Claimant vehemently submitted that the Tribunal has failed to award a just and reasonable

compensation in the case. He stated that though the claimant had spent a sum of Rs.27,242/- towards medical expenses and received only a sum of Rs.15,000/- by way of reimbursement, the Tribunal did not award the balance/differential amount to him. He contended that the Claimant has suffered loss of future prospects in life because of disability suffered on account of injuries sustained in the accident and the Tribunal has failed to take into consideration all these relevant factors and to award a suitable compensation in the case.

6. Per contra, Sri B. M. Angadi, learned Counsel for Insurer supported the findings recorded by the Tribunal and submitted that the compensation awarded by the Tribunal is just and proper. He submitted that the claimant has not made out any valid ground to seek for enhancement of the compensation.

7. Having heard both sides and on considering the materials available on record, the only question that would arise for determination is 'whether the Claimant has made out valid grounds to seek for enhancement of the compensation?'

8. The Tribunal awarded a total sum of Rs.1,57,154/- to the Claimant by way of compensation, under the following heads:

<b>Sl. No.</b>	<b>Head</b>	<b>Amount (in Rs.)</b>
1.	The loss of income due to use of 176 days E.L.	1,05,154.00
2.	The compensation to pain and suffering	30,000.00
3.	Loss of expectation of life	15,000.00
4.	Towards diet charges	2,000.00
5.	Food, Nourishment and Transport expenditure	5,000.00
	<b>Total</b>	<b>1,57,154.00</b>

9. The claimant contends that the compensation awarded by the Tribunal under the head of pain and suffering is on lower side. The wound certificate (Ex.P6) shows that the Claimant had suffered lacerated wound over upper limb, edema in both eye lids, contusion over right fronto parietal region and contusion over nose. The said document states that on subjecting the claimant for CT Brain and face, large extra-dural hemorrhage over right fronto parietal region and fracture of parietal bone were found. The contents of the discharge summaries produced as Exs.P7 to P9 support the contents of Ex.P6. In view of the same, this Court holds that it would be proper to award a sum of Rs.50,000/- to the claimant under the head of pain and suffering.

10. Admittedly, the Tribunal did not award any amount under the head of medical expenses on the ground that the documents available on record show the claimant having claimed Rs.15,000/- from his employer towards his medical expenses and that the claimant has failed to specifically plead regarding the reason for which he did not get reimbursement of the differential amount. The claimant has produced some bills and receipts as Ex.P15 claiming to be the documents supporting his claim of Rs.27,243/- towards the medical expenses. Undisputedly, the claimant received Rs.15,000/- from his employer by way of reimbursement of the medical expenses. As such, now the claim is only for balance amount i.e., Rs.12,243/-.

11. It is the case of the claimant that he lost seven teeth due to injuries sustained in the accident. The discharge summary produced as Ex.P8 specifically mentions the extraction of three teeth. Further, even majority of the bills produced as Ex.P15 pertain to claimant's dental treatment. Added to the above, the documents produced as Ex.P15 appear to be the original bills. In view of the same, it is held that the claimant is entitled to a sum of Rs.27,243/- (inclusive of the

differential amount of Rs.12,243/-) under the head of medical expenses.

12. The Tribunal awarded a sum of Rs.2,000/- towards diet charges and Rs.5,000/- towards food, nourishment and transport expenses. Considering the nature of injuries sustained by the claimant and the treatment undergone by him, he likely spent a reasonable amount on food, diet and other incidental expenses. As such, a sum of Rs.17,000/- is awarded to the claimant under the head of food, diet and other incidental charges.

13. The Tribunal awarded a sum of Rs.15,000/- under the head of loss of expectation of life. The claimant was aged 52 years at the time of the accident. Based on the materials available on record, the Tribunal concluded that the claimant suffered 10% of physical disability, affecting his future prospectus in life. As such, this Court opines that it would be proper to award a sum of Rs.30,000/- to the claimant under the head of loss of amenities.

14. The Tribunal awarded a sum of Rs.1,05,154/- to the claimant under the head of loss of income due to usage of 176 earned leaves during the period of treatment. The claimant has

failed to point out any error committed by the Tribunal in assessing the compensation under this head or any basis for seeking its enhancement. As such, the compensation awarded by the Tribunal under this head is retained.

15. For the foregoing reasons, point for consideration is answered partly in the affirmative and held that the claimant is entitled for total compensation of Rs.2,30,000/- in place of Rs.1,57,154/- awarded by the Tribunal, under the following heads:

<b>Sl. No.</b>	<b>Head</b>	<b>Amount (in Rs.)</b>
1.	Loss of Income during the period of treatment	1,05,154.00
2.	Pain and suffering	50,000.00
3.	Loss of Amenities	30,000.00
4.	Food, Diet and other incidental charges	17,000.00
5.	Medical expenses (difference amount)	27,243.00
	<b>Total</b>	<b>2,29,397.00</b>
	<b>Rounded Off:</b>	<b>2,30,000.00</b>

16. In the result, this Court proceeds to pass the following:

**ORDER**

- (i) The appeal is allowed in part.
- (ii) Consequently, the judgment and award dated 05.06.2014 in MVC No.454/2012 passed by learned Principal Senior Civil Judge and Additional MACT, Hubli is modified and the claimant is entitled for total compensation of Rs.2,30,000/- in

place of Rs.1,57,154/- awarded by the Tribunal.

- (iii) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till realization.
- (iv) The Respondent No.2 shall deposit entire compensation amount with accrued interest (minus the amount already deposited) before the Tribunal within a period of two (2) months from this day.
- (v) Draw modified award accordingly.
- (vi) The Registry is directed to send back trial court record to concerned Tribunal, forthwith.

**Sd/-**  
**(B. MURALIDHARA PAI)**  
**JUDGE**

RKM, YAN  
CT: CMU