



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 700 OF 2021 (MV-I)

BETWEEN:

Y.T. GOVINDAPPA
S/O THIMMAIAH,
AGED ABOUT 51 YEARS,
AGRICULTURIST,
R/O HALEPETE,
BEHIND JAIN TEMPLE STREET,
KADUR TOWN,
CHIKKAMAGALUR DISTRICT.

...APPELLANT

(BY SRI. MOHAN K.N., ADVOCATE)

AND:

1. SANGAMESH WALIKAR,
S/O SHANMUKAPPA,
AGED MAJOR,
R/O ARUSANABI VILLAGE,
NAGARABETTA POST,
MUDDEBIHAL TALUK,
BIJAPUR DISTRICT.
2. M/S S.R.C. INFRASTRUCTURE,
PROPRIETOR: SATHISH H.K. SHETTY,
AGED ABOUT 54 YEARS,
NO.5, SHOP NO.1,
KAMBANNA GARDEN,
NOW SRS ROAD, 2ND MAIN,
PEENYA 1ST STAGE,
BANGALORE-560 058.

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ANNAPURNA G
Location: HIGH
COURT OF
KARNATAKA



3. THE GENERAL MANAGER,
M/S ROYAL SUNDARAM
GENERAL INSURANCE CO. LTD.,
VISHRANTI MELARAM TOWERS,
NO.2/319, RAJIV GANDHI SALAI OMR)
KARAPAKKAM,
CHENNAI-600 002.

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADVOCATE FOR R3,
VIDE ORDER DATED 05/09/2024,
NOTICE TO R1 DISPENSED WITH,
R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.14.02.2020 PASSED IN MVC
NO.243/2019 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MACT, CHIKKAMAGALURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimant challenging the
judgment and award dated 14.02.2020 passed by the II
Addl.Senior Civil Judge and MACT, Chikkamagaluru (for short
'Tribunal'), in MVC No.243/2019, seeking enhancement of
compensation.



2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The brief facts of the case are that, on 24.11.2019 at about 2.30 pm, the petitioner while riding his new un-registered Honda Activa/5G met with an accident due to rash and negligent driving of Tipper bearing registration No.KA-41/C-2469 sustained injuries. Due to which he suffered fracture of right hand and has suffered permanent disability. With these reasons, the claimant has prayed for awarding of compensation.

4. The respondent No.1 was the driver, respondent No.2 was the owner and respondent No.3 was the insurer of the offending tipper. Respondents appeared and filed their respective written statement. Respondent Nos.1 and 2 have denied petition averments. They have contended that it was insured with Respondent No.3 and it is liable to pay compensation. Respondent No.3 - Insurer denied the petition averments and denied its liability to pay compensation. With these reasons, it prayed to dismiss the claim petition.



5. From the rival contentions of the parties, the Tribunal framed necessary issues.

6. The Tribunal recorded the evidence and after hearing both parties by the impugned judgment held that accident was caused due to negligence of Tipper driver and awarded the following amount of compensation:

Particulars	Amount in Rs.
Expenses relating to treatment and hospitalization and medicines	2,45,140
Nourishment diet, food and attendant charges	6,000
Pain and suffering	40,000
Conveyance charges	20,000
Loss of future earning on account of permanent disability	2,40,174
Loss of amenities	30,000
Loss of income during laid up period	3,000
Towards injuries	40,000
Future surgery	1,50,000
<i>Total</i>	Rs.7,93,314

Being aggrieved by the said award passed by the Tribunal, the claimant has filed the present appeal seeking enhancement of compensation.

7. Heard the arguments of the learned counsel appearing for the claimant as well as the insurer.



8. The fact of the accident, injuries sustained by the claimant, liability of the insurer are not in dispute. Hence no need to reconsider.

9. Learned counsel for the appellant/claimant contended that the compensation awarded by the Tribunal is inadequate; The Tribunal has not considered the income of the claimant properly and the disability assessed is also on the lower side; The compensation awarded under other heads are also on the lower side. Hence, prayed for enhancement of the compensation.

10. Learned counsel for respondent No.1-insurer submitted that the Tribunal has properly considered the case of the claimant and has awarded a just and reasonable compensation, which does not call for any interference by this Court and prayed for dismissal of the appeal.

11. On re-appreciation of the materials available on record and in view of the undisputed facts of the accident and injuries sustained by the claimant, it shows that the



compensation awarded under the head special diet, attendant charges, loss of income during treatment and amenities are on the lower side, which requires enhancement.

12. Considering all these facts and re-appreciating the materials the claimant is entitled to enhancement of global compensation of Rs.25,000/- with interest @ 6% per annum from the date of the claim petition till its realisation.

13. In the result, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed.***
- ii) The judgment and award dated 14.02.2020 passed by the II Addl.Senior Civil Judge and MACT, Chikkamagaluru in MVC No.243/2019 stands modified;
- iii) The claimant is entitled to enhancement of global compensation of Rs.25,000/- with interest at the rate of 6% p.a., from the date of petition till its realization.



iv) The respondent No.3- Insurance Company shall deposit the amount within a period of six weeks from the date of award.

v) The remaining portion of the award of the Tribunal shall remain unaltered.

vi) Amount enhanced is marginal, therefore, entire enhanced amount is ordered to be released in favour of the claimant on due identification.

vi) Draw award accordingly.

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE