



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 3359 OF 2021 (MV-I)

BETWEEN:

SRI. DHANUSHGOWDA,
S/O. SRINIVAS,
AGED ABOUT 21 YEARS,
R/AT: DHARAPURA VILLAGE,
KASABA HOBLI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT.

...APPELLANT

(BY SRI. RAJU S., ADVOCATE)

AND:

1. SRI. RAMESH R,
NO .2/A, 1ST CROSS,
CHAMUNDESHWARI LAYOUT,
RAMANAGARA TOWN,
RAMANAGARA DISTRICT- 572 159.

2. ICICI LOMBARD GENERAL
INSURANCE CO.LTD.,
S.V.R COMPLEX, IIND FLOOR,
NO.89, HOSUR ROAD,
BANGALORE - 560 068.
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 08.07.2025,
NOTICE TO R1 IS DISPENSED WITH)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.10.2020 PASSED IN MVC NO.634/2014 ON THE FILE OF THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, ADDITIONAL MACT, RAMANAGARA, 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 being aggrieved by the judgment and award dated 16th October 2020, passed by the III Addl.District and Sessions Judge and Addl.M.A.C.T., Ramanagara (for short 'Tribunal'), in MVC.No.634/2014, 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 15.07.2014, at about 4.30 p.m., claimant met with an accident when he was proceeding by walk near



Rayaradoddi Circle of Ramangara Town, due to the rash and negligent riding of the motorcycle bearing registration No.KA-42-R-8000 by its rider. As a result, he sustained grievous injuries and suffered permanent disability. He took treatment as an inpatient and spent substantial amount towards medical expenses. Claimant was minor at the time of the accident. He was studying and during the leisure time, he used to carry out agricultural activities and was earning Rs.5,000/- per month. With these reasons, the claimant has prayed for awarding of compensation.

4. The respondent No.1 was the owner and respondent No.2 was the insurer of the offending motorcycle. Respondent No.1 was *ex parte* before the Tribunal. Respondent No.2-insurer in its written statement denied the contentions of the claim petitioner and also denied its liability to pay the compensation. With these reasons, it prayed to dismiss the claim petition.



5. The Tribunal framed necessary issues, recorded the evidence of the parties and appreciating the materials available on record, awarded the following amount of compensation :

Particulars	Amount in Rs.
Pain and agony	40,000/-
Medical expenses, attendant charges, food and nourishment	15,000/-
Towards disablement	1,00,000/-
Towards conveyance	5,000/-
<i>Total</i>	<i>1,60,000/-</i>

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

7. Learned counsel for the appellant/claimant contended that the amount of compensation awarded by the Tribunal is marginal and just amount of compensation is not awarded. Therefore, prayed to enhance the compensation.



8. Learned counsel for respondent No.2-insurer submits that the Tribunal has taken into consideration all the materials and awarded just and reasonable compensation, which does not call for any interference by this Court and prayed for dismissal of the appeal.

9. The fact of the accident and claimant sustained injuries are not in dispute. Hence, there is no need to reconsider the same.

10. The claimant had sustained fracture of left ulna. At the time of the accident, he was a student and also said to be participating in agricultural activities. He has suffered permanent disability to an extent of 4%. He took treatment and an amount of Rs.14,000/- has been spent towards medical expenses, for which, receipts/bills are placed on record. But, the Tribunal following the judgment of the Hon'ble Apex Court in the case of ***Master Mallikarjun -vs- Divisional Manager, National***



Insurance Company Limited and another,¹ awarded the compensation.

11. Looking at the facts and circumstances of the present case, the claimant is entitled to enhancement of global compensation of Rs.50,000/- in addition to the amount awarded by the Tribunal.

12. The claimant is also entitled to interest at the rate of 6% p.a. from the date of petition till the date of realisation.

13. Undisputedly, the rider of the motorcycle had no valid and effective driving licence. Therefore, the Tribunal in the impugned judgment, directed the insurer to pay the amount of compensation, with liberty to recover from the owner of the vehicle. Accordingly, the respondent No.2-insurer shall deposit the enhanced amount of compensation and it is at liberty to recover the same along with the amount awarded by the Tribunal and

¹ 2014 (14) SCC 396



with interest, from the owner of the vehicle in an appropriate proceedings.

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

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 16th October 2020, passed by the III Addl.District and Sessions Judge and Addl.M.A.C.T., Ramanagara, in MVC No.634/2014, stands modified;
- iii) The claimant is entitled to global compensation of Rs.50,000/-, in addition to the amount of compensation awarded by the Tribunal, with interest at the rate of 6% p.a., from the date of petition till its realization.
- iv) The respondent No.2 - Insurance Company shall deposit the amount within a period of six weeks from the date of award and it is at liberty to recover the entire compensation amount along with interest, from the owner of the vehicle, in an appropriate proceedings.



v) During pendency of the appeal, since the claimant has attained the age of majority, the entire compensation amount along with interest shall be released in faovur of the claimant, on proper 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

bk/
List No.: 1 Sl No.: 41