

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 6770 OF 2013 (MV)

BETWEEN:

HARISH MURTHY @ MURTHY
AGED ABOUT 50 YEARS
S/O DASAPPA
R/O MUNICIPAL LAYOUT
PHAKIR PALYA, NEAR PUMP HOUSE
TUMKUR.

...APPELLANT

(BY SMT. BHUSHANI KUMAR, ADVOCATE)

AND:

1. N. PRAKASH
MAJOR
S/O N. NARASIMHAIAH
R/O THIMMANAHALLI VILLAGE
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT.
2. THE BRANCH MANAGER
UNITED INDIA INSURANCE CO LTD
NO.750, RAJANNA BUILDING
NEAR ANJANEYASWAMY TEMPLE
1ST STAGE, PEENYA-560 058.

...RESPONDENTS

(BY SRI. D. VIJAYA KUMAR, ADVOCATE FOR R2;
V/O DATED 27.08.2015, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 7.8.2012 PASSED IN MVC NO.356/2011 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACK COURT-1, ADDITIONAL MACT, TUMKUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 27.11.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal is by the appellant/claimant seeking for enhancement of compensation arising out of judgment and award dated 07.08.2012 in MVC No.356/2011, passed by the Court of Fast Track-I & Addl. MACT at Tumkur (for short, 'Tribunal').

2. The parties are referred to as per their ranking before the Tribunal for easy reference.

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

On 23.12.2009 at about 10.00 a.m., the petitioner was traveling in the Bus bearing Reg.No.KA-06-B-9189

from Tumkur towards C.N.Halli, at that time, the driver of the said Bus drove the same in a rash and negligent manner and when it reached near Byadarahalli gate, a tempo came from opposite direction and driver of the bus could not control his vehicle and he went to extreme left side of the road and dashed against a tree standing at the side of the road. Due to impact, petitioner sustained grievous and simple injuries. Hence, filed claim petition under Section 166 of M.V. Act, 1989 seeking for compensation of Rs.3,00,000/-.

4. After issuance of notice, the respondent No.1/ owner of the offending vehicle remained absent and was placed *ex-parte*. Respondent No.2/Insurance Company has appeared through its counsel and filed written statement.

5. In order to substantiate the case of the petitioner, the petitioner got himself examined as PW-1. and got marked documents at Exs.P1 to P13. On the other hand, respondents neither examined nor adduced any evidence.

6. On the basis of the pleadings of the parties, the Tribunal framed the issues and held that the Insurance Company and the owner of the offending vehicle are jointly and severally liable to pay a total compensation of Rs.88,000/- to the petitioner with interest at the rate of 6% per annum from the date of petition till realization.

7. Learned counsel for the appellant submits that as per Ex.P.6, discharge summary given by SSMC Hospital, Tumkur, appellant has sustained fracture of II, III IV and Vth ribs of left side, fracture of II, III, IV and Vth ribs of left side, fracture of pubic rami and compressive myelopathy C5-C6 vertebra and he was inpatient for a period of 21 days from 24.12.2009 to 13.01.2010. The Tribunal has not properly considered the case of the appellant and awarded meager compensation under all heads, which require enhancement. Accordingly, sought to allow the appeal and enhance compensation by modifying the judgment and award passed by the Tribunal.

8. Learned counsel appearing for the respondent No.2 submits that the Tribunal after considering entire material placed before it, awarded appropriate compensation. The compensation awarded by the Tribunal is just and proper and does not call for any interference at the hands of this Court. Accordingly, sought to dismiss the appeal.

9. Heard the learned counsel appearing for the appellant and respondent No.2 and perused entire material on record.

10. It is not in dispute that the appellant has suffered the injuries stated *supra*. However, it is seen that the compensation awarded under various heads are on the lower side. Taking into consideration the treatment taken and injuries suffered, I am of the considered view that the claimant would be entitled for total compensation as a lumpsum amount of Rs.50,000/- in addition to what has been awarded by the Tribunal.

11. Respondent No.2 – Insurance Company shall deposit the above compensation along with interest at the rate of 6% per annum within eight weeks from the date of receipt of copy of this order.

12. Accordingly, I proceed to pass the following:-

ORDER

- i. The appeal is ***allowed in-part***.
- ii. The judgment and award dated 07.08.2012 in MVC No.356/2011 passed by the Fast Track-I & Additional Motor Accident Claims Tribunal at Tumkur stands modified.
- iii. The appellant is entitled to compensation of Rs.50,000/- in addition to what has been awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization.
- iv. The appellant/claimant is not entitled for interest for the delay period of 273 days in filing the appeal.
- v. The Insurance Company shall deposit the amount within eight weeks from the date of award.

- vi. Upon deposit, entire amount shall be released in favour of appellant on proper identification in terms of award.
- vii. Registry is directed to transmit the TCR along with copy of this judgment to the Tribunal forthwith.
- viii. No order as to costs.

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

MH/-