

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.21894 OF 2012 (MV)

C/W

MISCELLANEOUS FIRST APPEAL NO.21895 OF 2012 (MV)

IN MFA NO.21894/2012:

BETWEEN:

NAGARAJ GOURYA NAIK
A/A. 25 YEARS, R/O KARMANE, KANSUR,
TQ: SIDDAPUR, UTTARA KANNADA-581340.

...APPELLANT

(BY SRI. LAXMESH P. MUTAGUPPI, ADVOCATE)

AND:

1. SHANTU HONNU NAYAK
R/O HICHAKAD, ANKOLA (N,K)
2. NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE KAIKINI ROAD, KARWAR,
(POLICY NO.60250431/07/670003710)
3. UDAYKUMAR K.NAIK,
R/O BALIKOPPA, SIDDAPUR,
(DRIVER OF THE CAR BEARING NO.KA-23/M-3951)

...RESPONDENTS

(BY SRI. S.K. KAYAKAMATH, ADVOCATE FOR R2;
NOTICE TO R1-SERVED;
NOTICE TO R3-HELD SUFFICIENT)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT 1988, PRAYING TO SETTING ASIDE THE JUDGMENT AND AWARD DATED 24-03-2011 IN MVC NO.81/2009 PASSED BY THE FAST TRACK COURT SIRSI (U.K) IN SO FAR AS IT IS AGAINST THE APPELLANT AND AWARD THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION IN THE INTEREST OF JUSTICE.

MOHANKUMAR
B SHELAR

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MOHANKUMAR B SHELAR
Location: High Court of
Karnataka, Dharwad Bench
Date: 2026.01.19 15:55:34
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THESE MISCELLANEOUS FIRST APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 06.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

CAV JUDGMENT

1. MFA No.21894/2012 is filed under section 173(1) of the Motor Vehicles Act, 1988 (herein after referred to as 'the MV Act' for short) by the appellant-claimant seeking for enhancement of the compensation by setting aside the judgment and award dated 24.03.2011 passed in MVC No.81/2009, by the Fast Track Court, Sirsi.

MFA No.21895/2012 is filed under section 173(1) of the MV Act by the appellant-claimant seeking for enhancement of the compensation by setting aside the judgment and award dated 24.03.2011 passed in MVC No.66/2009, by the Fast Track Court, Sirsi (hereinafter referred to as, 'the Tribunal' for short).

2. For convenience of reference, the parties herein are referred as arrayed before the Tribunal.

3. The brief facts common to both the cases are that:

On 06.09.2008 at about 12.45 p.m., the claimant was proceeding in his Maruti Omni Car bearing registration No.KA-05/MM-1483 from Sirsi to Siddapur. When he reached near Jargal Cross, another Car bearing registration No.KA-23/M-3951, driven by respondent No.3, allegedly in a rash and negligent manner, dashed against the claimant's vehicle. As a result, the claimant sustained injuries and his vehicle was damaged.

The claimant filed claim petitions under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.2,50,000/- each for bodily injuries (MVC No.81/2009) and for damage to the vehicle (MVC No.66/2009).

4. After service of notice, respondent No.1 remained *ex-parte*. Respondent No.3 appeared through counsel but did not file a written statement. Respondent No.2-Insurance Company appeared through its counsel and filed its written statement denying the material allegations and contending that the claims were excessive and not supported by evidence.

5. In order to substantiate his case, the claimant examined himself as PW-1 and got marked 20 documents as per Exs.P1 to P20. On behalf of respondent No.2, its Senior Assistant was examined as RW1 and documents Exs.R1 to R3 were marked.

6. Upon appreciation of the oral and documentary evidence, the Tribunal held that the accident occurred due to the rash and negligent driving of the offending vehicle and awarded Rs.5000/- as global compensation in MVC No.81/2009 towards injuries, and Rs.25000/- in MVC No.66/2009 towards damage to the vehicle with interest at 6% per annum from the date of petition till realization, holding respondent Nos.1 and 3 jointly and severally liable.

7. The learned counsel for the appellant in MFA No.21894/2012 contended that the Tribunal failed to properly appreciate Exs.P1 to P7, namely the FIR, complaint, spot panchanama, MVI report, rough sketch, charge sheet and wound certificate. It was argued that the claimant sustained grievous injuries and that the vehicle

was extensively damaged, and therefore, the compensation awarded was meager and requires enhancement.

8. Per contra, learned counsel for respondent No.2- Insurance Company supported the impugned judgment and award and submitted that the compensation awarded is just, reasonable, and based on the evidence on record, warranting no interference.

9. Heard the learned counsel appearing for the appellant and respondent No.1/Insurance Company and perused entire material on record.

10. Having heard the learned counsel for the parties and perusing the materials on record, it is not in dispute that the claimant sustained injuries in the accident. However, the wound certificate and medical evidence on record disclose that the claimant sustained tenderness over the medical collateral ligament of the left knee, which is in the nature of a simple injury. Importantly, the claimant has not produced any medical bills, prescriptions, or proof of

hospitalization to substantiate higher compensation under medical expenses, pain and suffering, or loss of income.

11. In the absence of documentary evidence regarding treatment expenses or prolonged disability, the Tribunal was justified in awarding a global compensation of Rs.5,000/- for injuries.

12. With regard to damage to the vehicle is concerned, though the claimant contends that the car was totally damaged, no repair bills, valuation reports, or documentary evidence of actual expenditure were produced. The Tribunal, taking a reasonable view, awarded Rs.25,000/- towards labour and idling charges, which appears to be just and proper.

13. It is further observed that the interference of the Appellate Court in case of motor accident compensation is warranted only when the award is shown to be grossly inadequate, excessive, or perverse. In MFA No.21894/2012 and MFA No.21895/2012, the claimant has failed to

demonstrate any such perversity or illegality in the findings of the Tribunal.

14. In view of the above, the compensation awarded is based on the evidence available on record and is proportionate to the nature of injuries and damages proved. Therefore, this Court is not inclined to interfere with the judgment and award passed by the Tribunal.

15. In view of the foregoing discussions, the Tribunal has rightly awarded the compensation which is found to be just and proper.

16. Accordingly, the MFA No.21894/2012 and MFA No.21895/2012 are ***dismissed*** and the impugned Judgment and award dated 24.03.2011 passed by the Fast Track Court, Sirsi, in MVC No.66/2009 and MVC No.81/2009, are hereby confirmed.

No order as to costs.

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

KGK /CT:VP