



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 537 OF 2024 (MV-I)

BETWEEN:

1. PUSHPARAJ K
S/O BABU GOWDA
AGED ABOUT 34 YEARS
RAT AZAR COMPOUND
KODIMBADI VILLAGE AND POST
PUTTUR TALUK
D K DISTRICT - 574 218.

...APPELLANT

(BY SRI LETHIF B, ADVOCATE)

AND:

1. ABDUL HANEEF
S/O RUSTHAM KHAN
AGE ABOUT 40 YEARS,
R/AT No. 2-264
NEKKALA HOUSE ADARSHA
NAGARA, 34TH NEKKILADY VILLAGE
AND POST, PUTTUR TALUK - 574 253.
2. FATHIMATH BUSAIANA A H
W/O KHALANDAR IBRAHIM NAUSHAD
AGED ABOUT 32 YEARS
R/AT AZAR COMPOUND
BANNUR VILLAGE AND POST
PUTTUR TALUK - 574 203.
3. HDFC ERGO
GENERAL INSURANCE COMPANY LTD.,
No. 25/1, 2ND FLOOR BUILDING No. 02



NC: 2026:KHC:31728
MFA No. 537 of 2024

SHANAKARNARAYANA BUILDING
M G ROAD, BENGALURU.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R3
R1-R2 ARE SERVED UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.11.2023 PASSED IN MVC No.879/2021 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT, PUTTUR, DAKSHINA KANNADA, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded by the Tribunal in the judgment and award dated 17.11.2023 passed in MVC No. 879/2021 by the Additional Senior Civil Judge and Additional MACT, Puttur.

2. Though the matter is listed for 'Admission', with the consent of the learned counsel appearing for



appellant and respondent No.3 it is taken up for final disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident which occurred on 05.09.2020. The accident occurred due to the rash and negligent driving by the driver of the lorry bearing No. KA-21-B-8879. The Tribunal after recording evidence, appreciating evidence on record assessed the compensation and awarded global compensation of Rs.30,000/- with interest at the rate of 9% per annum from the date of petition till the date of realization and directed respondent No. 3 – insurer to pay the award amount. The claimant has filed the present appeal seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for respondent No.3 – insurer.

5. Learned counsel for appellant would contend that the claimant has sustained two simple injuries and



one grievous injury and was admitted in the hospital for 3 days and spent an amount of Rs.16,188/- towards medical expenses. Claimant was working as a coolie/loader and the injuries affected his work. With this he prayed to allow the appeal.

6. Learned counsel for respondent No. 3 would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

7. As per Ex.P.5 – wound certificate, the claimant has sustained a laceration measuring 3 X 1 X 1 cm over left ear, sutured wound 3 cm over right eyebrow and fracture of upper right incisor tooth. The appellant has also incurred medical expenses of Rs.16,188/- and he was admitted in hospital for 3 days. Considering the fact that the claimant is a coolie/loader, injury sustained, pain and suffering the global compensation awarded by the Tribunal as aforesaid requires to be enhanced. Considering the said aspect, global compensation awarded by the Tribunal is enhanced to Rs.60,000/- as against Rs.30,000/-



awarded by the Tribunal with interest at the rate is 6% per annum from the date of petition till the date of realization.

8. In view of the above, the following;

ORDER

- i) The appeal is allowed in part.
- ii) The appellant is entitled to enhanced compensation of Rs.30,000/- globally with interest at the rate is 6% per annum from the date of petition till the date of realization.
- iii) Respondent No. 3 – insurer shall deposit the enhanced compensation before the Tribunal within six weeks from this day failing which he is liable to pay interest at the rate of 9% per annum from this day till the date of payment.
- iv) Claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE