



CNR: KAHC010133382024

NC: 2026:KHC:46356
MFA No. 1705 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.1705 OF 2024(MV-I)

BETWEEN:

SMT. CHAITRA C.S.,
W/O ASHOKA V.A,
AGED ABOUT 37 YEARS,
R/O VADURU VILLAGE,
BELAGODU HOBLI,
SAKALESHAPURA TALUK,
HASSAN DISTRICT.

PRESENTLY R/AT
HASSAN-BELUR ROAD,
BEHIND PETROL BUNK,
HASSAN - 573 201.

...APPELLANT

(BY SRI. H.J. ANANDA., ADVOCATE)

AND:

1. RAJESHA K.C.,
S/O CHANDRAPPA NAIIKA,
MAJOR,
R/O MALLAPURA VILLAGE,
NEAR GOVERNMENT HOSPITAL,

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KENCHAMMANA HOSAKOTE HOBLI,
ALUR TALUK,
HASSAN DISTRICT - 573 201.

2. THE BRANCH MANAGER,
UNITED INDIA INS.CO.LTD.,
VENKATESHWARE BUILDING,
B.M. ROAD,
HASSAN - 573 201.

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2,
R1 SERVED)

THIS MFA FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:04.01.2024 PASSED IN MVC NO.1375/2021 ON THE
FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE
AND MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF



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ORAL JUDGMENT

The claimant is in appeal, calling in question the liability on the Insured as well as enhancement of compensation, arising out of Judgment and Award dated 04.01.2024, passed by the II Addl. District & Sessions and MACT, Hassan¹, in MVC No.1375/2021.

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

3. Facts germane to file the present appeal are as under:

3.1 In an accident occurred on 29.03.2021, the claimant while proceeding in the Car bearing registration No.KA-52-M-1438 as an inmate, met with an accident due to actionable rash and negligent driving of the Car bearing Registration No.KA-41-M-5765, by its driver and suffered injuries, viz., (1) abrasion on right ear, (2) abrasion on right arm, (3) contusion on left thigh, (4) contusion on right leg and (5) fracture of the collar bone.

¹ the Tribunal, for short



3.2 The Tribunal after going through the entire material on record, awarded total compensation of Rs.1,50,000/- with interest @ 6% per annum from the date of petition till realization. However, fastened the entire liability to pay compensation on the Insured of the offending Car on the premise that the driver of the Car was not holding valid and effective driving license as on the date of accident. It is this Judgment and Award passed by the Tribunal, is called in question in this appeal.

4. Heard, Sri.H.J.Ananda, learned counsel appearing for the claimant and Sri.Ravish Benni, learned counsel appearing for respondent No.2 - Insurer. Respondent No.1 - Insured, though served, remained unrepresented.

5. Sri.H.J.Ananda, learned counsel with all vehemence submits that the compensation awarded by the Tribunal is very meager when compared to the injuries suffered, treatment taken, in-patient period, as well as medical expenses incurred. Hence, the compensation awarded by the Tribunal requires reconsideration. Learned counsel further submits that in view of settled position of law by the Hon'ble Supreme Court,



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respondent No.2 - Insurer shall be directed to pay the compensation primarily, with a liberty to recover the same from the Insured, and sought to allow the appeal.

6. In contrast, Sri.Ravish Benni, argued in support of the Judgment and award passed by the Tribunal and sought to dismiss the appeal, stating that there is no scope for enhancement, as the compensation awarded is just and proper.

7. Having considered the rival submission, this Court perused the entire appeal paper as well as Trial Court record.

8. The law on point regarding not holding valid and effective driving license is no more *res-integra*, in view of the law laid down by the Hon'ble Supreme Court in **PAPPU AND OTHERS VS. VINOD KUMAR LAMBA AND ANOTHER²**.

In that view of the matter, respondent No.2 Insurer is primarily directed to pay the compensation with a liberty to recover the same from the Insured.

² (2018) 3 SCC 208



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9. So far as enhancement of compensation is concerned, the injuries suffered are not in dispute. However, the claimant has not examined any doctor to state regarding the disability suffered due to the injuries sustained in the accident and the status of the claimant. In that view of the matter, this Court is of the considered opinion that, without deliberating much on each head, if another global compensation of Rs.25,000/- is awarded, the same would meet the ends of justice. Accordingly, this Court proceeds to pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The Judgment and Award dated 04.01.2024, passed by the II Addl. District & Sessions and MACT, Hassan, in MVC No.1375/2021 is modified. The compensation is reassessed and the finding of the Tribunal, fastening entire liability on the Insured also is modified.
- iii. The claimant is entitled for reassessed compensation of ***Rs.1,75,000/-*** (1,50,000 awarded by the Tribunal + 25,000



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awarded by this Court), which shall carry interest @ 6% per annum from the date of petition till realization.

- iv. Respondent No.2 - Insurer is primarily directed to deposit the entire reassessed compensation, along with interest supra, within six weeks from the date of receipt of certified copy of this order, before the concerned Tribunal, with a liberty to recover the same from the Insured.
- v. Upon deposit, entire amount shall be released in favor of the claimant, on proper identification.
- vi. Trial Court record secured, if any, shall be transmitted to the Tribunal, forthwith.
- vii. No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

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