



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL No. 2158 OF 2014 (MV-I)

BETWEEN:

MASTER SANATH
S/O.PRASANNA KUMAR
AGED ABOUT 8 YEARS
MINOR REPRESENTED BY HIS FATHER
PRASANNA KUMAR
S/O GOVINDEGOWDA
AGED ABOUT 38 YEARS
R/O GOLLARAHOSAHALLI VILLAGE
KASABA HOBLI,
CHANNARAYAPATNA TALUK
HASSAN DISTRICT - 573 116.

...APPELLANT

(BY SRI M NAGESH, ADVOCATE FOR
SRI VISHNU BHAT, ADVOCATE)

AND:

1. BHARATH KALE
S/O.LAXMANA KALE
R/O.VANGIGAN VILLAGE
THIBURANI TALUK
SOLAPURA DISTRICT
MAHARASHTRA STATE - 400 001.
2. MANAGER
BAJAJ ALLIANZ INSURANCE CO.LTD.,
YARASWADA, PUNE
REPRESENTED BY
MANAGER,
BAJAJ ALLIANZ INSURANCE CO.LTD.,

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



HASSAN DIVISION
HASSAN - 573 201.

...RESPONDENTS

(BY SMT. H R RENUKA, ADVOCATE FOR R2
NOTICE TO R1-SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:11.07.2013 PASSED IN MVC No.40/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE & MACT, CHANNARAYAPATNA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The present appeal is filed by the claimant calling in question the judgment and award dated 11.07.2013 passed in MVC No.40/2011 by the Senior Civil Judge & MACT, Channarayapatna¹. The appellant/claimant seeks for enhancement of the quantum of compensation.

2. The finding of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only

¹ hereinafter referred to as the 'Tribunal'



question that is to be adjudicated in the present appeal is the adequacy of the quantum of compensation.

3. It is forthcoming that the claimant was aged 4 years as on date of the accident, i.e., as on 26.08.2010 and was treated as an inpatient for three days for the injuries sustained in the accident in question. The doctor PW3 has assessed the disability at 10%. However, the Tribunal has disbelieved the same and awarded global compensation of ₹30,000/-.

4. The learned counsel for the appellant submits that, the claimant is entitled for a higher compensation having regard to the nature of injuries sustained. The same is vehemently opposed by the learned counsel for the insurer. However, both the learned counsels jointly submit that they are agreeable if a further sum of ₹10,000/- is awarded together with interest at 6% per annum from date of petition till date of payment in addition to the compensation awarded by the Tribunal. A joint memo to the said effect has also been filed which reads as under:



"Joint Memo

The appellant and respondent company agrees for disposal of the appeal for additional enhancement of compensation by Rs.10000 with interest at 6% from the date of petition till payment.

The appeal may kindly be allowed in terms of the above terms.

Bangalore
13.03.2026

Sd/-
[M. Nagesh]
Advocate for Appellant
Sd/-
[H R Renuka]
Advocate for Respondent No.2"

5. In view of the aforementioned, the following:

ORDER

- i) The present appeal is partly allowed.
- ii) The judgment and award dated 11.07.2013 passed in MVC No.40/2011 by the Senior Civil Judge & MACT, Channarayapatna, is modified to the extent holding that the claimant will be entitled to a further compensation of ₹10,000/- together with interest at 6% per annum from date of petition till date of payment, in addition to the compensation awarded by the tribunal. In all other respects, the judgment and award of the Tribunal remains unaltered;



- iii) Respondent No.2 - Insurance Company shall deposit the said compensation together with accrued interest within a period of six weeks;
- iv) Upon such deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;
- vi) The Registry to draw the modified award accordingly;
- vii) Records be transmitted to the Tribunal forthwith;
- v) No costs.

Sd/-
(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 13
Ct.sm