



CNR: KAHC010167122025

NC: 2026:KHC:49427-DB
MFA No. 1876 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 1876 OF 2025 (MV-I)

BETWEEN:

SRI MURTHI D.N.
S/O NINGAIAH K.
AGED ABOUT 38 YEARS
R/O DODDABAGANAHALLI VILLAGE
KASABA HOBLI, HASSAN - 573 201.

...APPELLANT

(BY SRI KAVITHA H.C., ADVOCATE)

AND:

1. ULLAS FOUZUDAR
S/O GURURAJ RAO
AGED ABOUT 38 YEARS
R/AT NO.298/3, GURUKRUPAKUNTE
NANJAPPA ROAD, BYATARAYANAPURA
BENGALURU – 560 092
(OWNER OF THE CAR BEARING
REGISTRATION NO.KA-05-MQ-4717)
2. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LIMITED
3RD FLOOR, KVV 3RD MAIN
OUTAR RING ROAD
KASTHURI NAGAR
BENGALURU – 560 043.

...RESPONDENTS

(BY SRI B. PRADEEP, ADVOCATE FOR R2;
NOTICE TO R1 IS D/W)

Digitally signed
by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.31.08.2024 PASSED IN MVC NO.682/2022 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

This appeal is filed by the claimant/appellant under Section 173(1) of the Motor Vehicle Act, 1988 ('the MV Act', for short) seeking to modify and enhance the compensation awarded by judgment and award dated 31.08.2024 in MVC No.682/2022 on the file of the Additional Senior Civil Judge and Additional MACT at Hassan ('the Tribunal', for short).

2. The claim petition is filed under Section 166 of the MV Act by the claimant, who is injured in the road



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traffic accident claiming compensation of Rs.30,00,000/- with interest from the date of petition till its realization.

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

The case of the claimant before the Tribunal was that, on 10.10.2021 at about 6.45 a.m., he was proceeding on his Motorcycle bearing Reg.No.KA-13-EF-3810 from his native place towards his place of work, where he was working as a Security Guard at Gokul Das Factory. When he was proceeding towards Himath Singh Ka Company Circle, Hanumanthapura, on Gorur Road, the driver of Maruti Celerio Car bearing Reg.No.KA-04-MQ-4717, coming from Hassan, drove the said vehicle at a high speed and in a rash and negligent manner and dashed against his Motorcycle. Due to the impact, the claimant sustained injuries.

4. It was further pleaded that immediately after the accident, the claimant was shifted to Sanjeevini Hospital, K.R.Puram, Hassan, where he was admitted as



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an inpatient. According to the claimant, he underwent treatment as an inpatient for 7 days and surgery was performed. The claimant claimed to have incurred an expenditure of about Rs.3,00,000/- towards his treatment and stated that further expenditure would be required towards treatment, nutritious food and other incidental expenses. It was also pleaded that he continued to take treatment as an outpatient even after his discharge from the hospital.

5. The claimant further pleaded that prior to the accident, he was hale and healthy and was earning a total income of Rs.50,000/- per month from his work as a Security Guard and Agricultural activities and was maintaining his parents from such income. According to him, on account of the injuries sustained in the accident, he was unable to carry on his work and had suffered loss of income.



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6. Respondent No.1, despite service of notice, did not appear before the Tribunal either in person or through counsel and was accordingly placed *exparte*. Respondent No.2–Insurance Company entered appearance through its counsel and contested the claim petition. In its statement of objections, the Insurance Company denied the material averments made in the claim petition and disputed the insurance coverage in respect of the alleged offending vehicle as well as the validity and effectiveness of the driving licence of the driver as on the date of the accident. It was further contended that respondent No.1 had violated the provisions of the MV Act and the terms and conditions of the insurance policy by permitting a person without a valid and effective driving licence to drive the vehicle and that the claim petition suffered from non-joinder of necessary parties.

7. The Insurance Company further contended before the Tribunal that, as the accident involved a



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collision between two vehicles, the liability of the other vehicle was also required to be considered and the principle of contributory negligence was applicable. It disputed the allegation of rash and negligent driving by the driver of the insured vehicle and contended that the claimant was required to establish the manner of the accident, the injuries sustained, the treatment undergone and the expenditure incurred. It was also contended that the claimant was not wearing a helmet at the time of the accident and that the compensation claimed under various heads was excessive.

8. The Insurance Company disputed the age, occupation and income pleaded by the claimant and contended that he was not entitled to the compensation claimed under the various non-pecuniary and other heads. It relied upon the statutory defences under Sections 147 and 149 of the MV Act, sought permission to raise the defences available under Section 170 of the MV Act and



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contended that the rate of interest, if any, ought to be restricted to 6% per annum.

9. The Tribunal, upon consideration of the material placed on record, partly allowed the claim petition and awarded compensation of Rs.2,49,680/- at the rate of 6% per annum wherein the Insurance Company was held liable to pay the compensation amount.

10. The learned counsel appearing for the appellant-claimant would contend that the compensation awarded by the Tribunal towards pain and suffering, conveyance, nourishment and attendant charges, loss of income during the laid-up period, loss of amenities and future medical expenses is inadequate. Further the Tribunal ought to have awarded compensation towards functional disability and loss of future earning capacity, having regard to the nature of work performed by the appellant.



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11. Heard learned counsel appearing for the appellant-claimant as well as learned counsel for respondent No.2-Insurance Company and perused the material placed on record.

12. Considering the submissions made by the learned counsel appearing for both the parties, it is not in dispute that the claimant sustained injuries in a road traffic accident that occurred on 10.10.2021 at about 6.45 a.m. while riding his Motorcycle bearing Reg.No.KA-13-EF-3810 on Gorur Road near Himath Singh Ka Company Circle, Hanumanthapura. The claim petition came to be allowed by the Tribunal awarding compensation under various heads. Being dissatisfied with the quantum of compensation awarded, the claimant has preferred the present appeal seeking enhancement.

13. The principal grievance of the claimant is that the compensation awarded towards pain and suffering, conveyance, nourishment and attendant charges, loss of



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amenities and future medical expenses is inadequate having regard to the nature of injuries sustained and the treatment undergone by him. It is also contended that the Tribunal has not awarded adequate compensation under other incidental heads.

14. It is observed from the records that the claimant sustained injuries in the accident and underwent treatment as an inpatient. The material placed before the Tribunal would indicate that he underwent surgery and continued treatment thereafter. Having regard to the nature of injuries, period of treatment and the attendant circumstances arising therefrom, this Court is of the considered view that the compensation awarded under certain heads requires enhancement. During the course of hearing, learned counsel appearing for respondent No.2- Insurance Company fairly submitted for enhancement under the heads of pain and suffering and nourishment/food charges.



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15. Having regard to the material on record, this Court also enhanced the compensation which is agreed by both the counsel appearing for the appellant-claimant and respondent No.2-Insurance Company.

16. The Tribunal has awarded a sum of Rs.40,000/- under the head 'Pain and sufferings'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.60,000/-** is awarded under the said head.

17. The Tribunal has awarded a sum of Rs.25,000/- under the head 'Loss of Amenities'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.30,000/-** is awarded under the said head.

18. The Tribunal has awarded a sum of Rs.20,000/- under the head 'Food, Nourishment and travel expenses'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.25,000/-** is awarded under the said head.



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19. The Tribunal has awarded a sum of Rs.25,000/- under the head 'Loss of future Medical Expenses'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.35,000/-** is awarded under the said head.

20. In view of the above, the enhanced compensation is reworked as under:-

Sl. No.	Particulars	Amount (Rs.)
1	Loss of future earning	NIL
2	Loss of Future Income	Rs.1,09,680/-
3	Pain and suffering	Rs.60,000/-
4	Loss of amenities	Rs.30,000/-
5	Loss during laid down period	Rs.30,000/-
6	Food, Nourishment and travel expenses	Rs.25,000/-
7	Future medical expenses	Rs.35,000/-
Total		Rs.2,89,680/-

21. Thus, the claimant is entitled to compensation of Rs.2,89,680/-. In all other aspects, the judgment and award passed by the Tribunal does not call for interference.



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22. In the result, this Court proceeds to pass the following:-

ORDER

- i. MFA No.1876/2025 filed by the claimant is ***allowed in-part.***
- ii. The judgment and award dated 31.08.2024 passed in MVC No.682/2022 by the Additional Senior Civil Judge and Additional ACJM at Hassan is hereby modified.
- iii. The claimant is entitled to total compensation of **Rs.2,89,680/-** as against Rs.2,49,680/- awarded by the Tribunal with interest at the rate of 6% per annum.
- iv. The Insurance Company shall deposit the enhanced compensation amount together with accrued interest before the Tribunal within a period of six weeks from the date of receipt of a certified copy of this judgment.



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- v. Registry is directed to return the records to the Tribunal, along with certified copy of the judgment forthwith without any delay.

Sd/-
(R DEVDAS)
JUDGE

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

MH/-
List No.: 1 Sl No.: 36