



CNR: KAHC010170652019

NC: 2026:KHC:37975
MFA No. 4761 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.4761 OF 2019(MV-I)

BETWEEN:

MASTER AZIN S/O BABU,
AGED ABOUT 8 YEARS,
MINOR,
R/P BY NATURAL GUARDIAN
FATHER BABU S/O MOHD. ALI,
AGED ABOUT 37 YEARS,
R/O NO.1004, OLD M C ROAD,
SHANKAR MATTA, AZAD NAGARA,
MANDYA CITY - 571 401.

...APPELLANT

(BY SRI. M.Y. SREENIVASAN, ADVOCATE)

AND:

Digitally
signed by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

1. MAHESH KUMAR M.
S/O MARIGOWDA,
MAJOR,
R/O NO.87,
MADEGOWADANA KOPPALU,
MANDYA TQ AND DISTRICT - 571 407.
2. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.
NO.1119/8,
KAMBALI BUILDING,
M C ROAD,



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ASHOKA NAGARA,
MANDYA - 571 401.

...RESPONDENTS

(BY SRI. K. NAGARAJAIAH, ADVOCATE FOR R2;

R1 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.01.2019 PASSED IN MVC NO.1319/2016 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANDYA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 16.01.2019 passed in MVC No.1319/2016 by the Court I Additional Senior Civil Judge and MACT, Mandya (hereinafter referred to as "the Tribunal") seeking enhancement of compensation.

2. Injured claimant, aged 5 years, met with an accident on 06.07.2016. His father, being the natural



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guardian filed a claim petition claiming compensation of Rs.9,75,000/-. The Tribunal, after considering the entire evidence on the record, awarded global compensation of Rs.24,000/- against respondent No.1. Since there was no valid insurance policy, the Insurance Company was exonerated from liability.

3. Aggrieved by the said order, the appellant has preferred this appeal, mainly contending that the Tribunal has awarded meager compensation and has not granted any amount under other heads. Therefore, requested for enhancement of the compensation.

4. Heard the arguments of the learned counsel for the appellant and the learned counsel for respondent No. 2. Respondent No. 1 was served but did not turn up.

5. As per Ex.P.5, the wound certificate, the appellant sustained the following injuries, which are grievous in nature:

- i. Tenderness over the left thigh with swelling and external rotation.



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- ii. Grazed abrasions over the left frontal region with swelling.

According to the Orthopaedic Surgeon, the appellant had sustained a fracture shaft of the left femur.

6. The appellant was admitted in the hospital for a period of two days. As per Exs.P.9, the medical bills, he incurred an amount of Rs.5,114/- towards medical expenses.

7. On 06.07.2016, while the child was walking by the side of the road near Billal Mosque, the motorcycle bearing Registration No. KA-09/ES-6385 came in a rash and negligent manner and dashed against the child. As a result, he sustained grievous injuries.

8. The Tribunal, considering the manner of the accident, fixed contributory negligence on the part of the claimant at 20% and on the part of the driver of the offending vehicle at 80%. Considering the nature of injuries, age of the appellant and other relevant factors, this Court finds it just and reasonable to award Rs.40,000/- towards pain and suffering, Rs.20,000/-



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towards loss of amenities, Rs.5,114/- towards medical expenses, and Rs.30,000/- towards transportation, extra nourishment, and attendant charges. Further, the father of the appellant might not have attended to any other work for a period of at least two months, as he had to take care of the child during the treatment period. Therefore, an amount of Rs.19,000/- is awarded under the head of loss of income for the father during the treatment period.

9. Thus, the compensation awarded by this Court is as follows:

Particulars	Amount in Rs.
Pain and suffering	40,000.00
Loss of amenities	20,000.00
Transportation, extra nourishment and attendant charges	30,000.00
Medical expenses	5,114.00
loss of income of the father during the treatment period	19,000.00
Total	1,14,114.00

10. In summary, the appellant/claimant is entitled to a total compensation of Rs.1,14,114/- as against Rs.24,000/- awarded by the Tribunal. The enhanced



compensation works out to Rs.90,114/-. To this extent, the award passed by the Tribunal is modified.

11. In the result, pass the following:

ORDER

- i. The appeal is ***allowed in-part.***
- ii. The judgment and award dated 16.01.2019 passed in MVC No.1319/2016 by the Court I Additional Senior Civil Judge and MACT, Mandya, is hereby modified;
- iii. The total compensation is determined at Rs.1,14,114/-. The owner of the vehicle is directed to deposit 80% of the compensation amount along with interest at the rate of 6% per annum within one month from the date of this order.
- iv. Respondent No.2 is already exonerated from liability.



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- v. On such deposit, the appellant is permitted to withdraw the entire amount along with the interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 2 Sl No.: 26