



CNR: KAHC010206132026

NC: 2026:KHC:46257
MFA No. 2130 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2130 OF 2026
(MV-I)

BETWEEN:

SRI. SHETTYGOWDA
S/O THOPEGOWDA,
AGED ABOUT 57 YEARS,
R/AT KUDUKUNDI VILLAGE,
GANDASI HOBLI, ARASIKERE TALUK,
HASSAN DISTRICT - 573 119,

PRESENT R/AT HOUSE NO.46/1,
GOORAMARANAHALLI EXTENSION,
WARD NO.1,
CHANNARAYAPATNA TOWN AND TALUK,
HASSAN DISTRICT - 573 116.

...APPELLANT

(BY SRI. RAJARAMA S., ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. MADHUSUDHAN H.S.
S/O SHIVALINGEGOWDA H.L.,
AGED ABOUT MAJOR,
R/AT HIRISAMUDRA VILLAGE,
CHIKKAYARAGANALU POST,
GANDASI HOBLI, ARASIKERE TALUK,
HASSAN DISTRICT - 573 119.
2. THE REGIONAL MANAGER
CHOLAMANDALAM M.S GENERAL INSURANCE



NC: 2026:KHC:46257
MFA No. 2130 of 2026

CNR: KAHC010206132026

COMPANY LIMITED,
GOLDEN HEIGHT COMPLEX,
NO.59, P CROSS, RAJAJINAGARA,
BENGALURU - 560 027.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2;
VIDE ORDER DATED 15.06.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.01.2025 PASSED IN MVC
NO.1351/2023 ON THE FILE OF THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, HASSAN, (SITTING AT
CHANNARAYAPATN), 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 07.01.2025 passed in MVC
No.1351/2023 by IV Additional District and Sessions
Judge, Hassan (sitting at Channarayapatna).

2. Even though the matter is listed today for
admission, with the consent of both the learned counsel



CNR: KAHC010206132026

NC: 2026:KHC:46257
MFA No. 2130 of 2026

for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 04.03.2023 contending that the accident occurred due to rash and negligent driving by the rider of motorcycle bearing registration No.KA-13-EU-6835.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and suffering	Rs. 50,000/-
2.	Loss of amenities	Rs. 1,50,000/-
3.	Loss of earnings during laid up period	Rs. 32,000/-
4.	Food, nourishment and other miscellaneous expenses	Rs. 20,000/-
	Total	Rs. 2,52,000/-



CNR: KAHC010206132026

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the claimant has sustained two simple injuries and one grievous injury i.e., fracture of right zygomatic bone and the claimant has been admitted in the hospital for thirty nine (39) days. Considering the said aspect, the compensation awarded towards pain and sufferings, loss of amenities, loss of income during laid up period and attendant, conveyance, food and nourishment etc., are on lower side. With these, he prayed to allow the appeal.



CNR: KAHC010206132026

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.

10. On perusal of Ex.P12 - Wound certificate, the claimant has sustained two simple injuries and one grievous injury. The said grievous injury is fracture of right zygomatic bone. The claimant has been admitted in the hospital for thirty nine (39) days. Considering the fractures sustained, the claimant has to take rest atleast for four (04) months and therefore, the claimant is entitled to loss of income during laid up period for four (04) months. The compensation awarded towards attendant, conveyance,



NC: 2026:KHC:46257
MFA No. 2130 of 2026

food and nourishment etc., is to be taken for thirty nine (39) days.

11. Considering all the above aspects, the claimant is entitled to enhanced global compensation of Rs.50,000/- without any interest.

12. Respondent No.2/insurer is liable to pay the said enhanced global compensation amount.

13. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced global compensation of Rs.50,000/- without any interest.*
- iii) *Respondent No.2/insurer shall deposit the enhanced global compensation amount before the Tribunal within a period of six weeks from the date of receipt of copy of this order.*



NC: 2026:KHC:46257
MFA No. 2130 of 2026

CNR: KAHC010206132026

- iv) If the enhanced global compensation amount is not deposited within the said period, the respondent No.2/insurer is liable to pay interest at the rate of 6% per annum from the date of this Judgment till deposit.*
- v) The appellant/claimant is entitled to release of entire enhanced global compensation.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 19