



CNR: KAHC010223212021

NC: 2026:KHC:47823
MFA No. 3101 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 3101 OF 2021 (MV-I)

BETWEEN:

1. SRI K.R. HARICHARAN
AGED ABOUT 43 YEARS,
S/O. SRI RAMAMURTHY
MAHINDRA KOTAK BANK
TIPTUR - 572 201,
R/O HOUSE NO.33,
SRI HARI NIVASA
PIPELINE MAIN ROAD,
DATTATRAYA TEMPLE ROAD
MALLESHWARAM,
BENGALURU

...APPELLANT

(BY SRI. VIGNESH K.V., ADVOCATE FOR
SRI. NATARAJA BALLAL A., ADVOCATE)

AND:

1. THE MANAGER
THE NEW INDIA ASSURANCE CO. LTD.,
NANJANAGUDU,

Digitally
signed by
PANKAJA S
Location:
HIGH COURT
OF
KARNATAKA



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MYSORE DISTRICT
PIN CODE - 571301

2. SRI PRABHUSWAMY H.B.,
AGED ABOUT 47 YEARS,
S/O. BASAVALINGAMURTHY
R/O HULLEKERE VILLAGE
DANDINASHIVARA HOBLI
TURUVEKERE TALUK,
TUMKURU DIST
PIN CODE - 572 227

...RESPONDENTS

(BY SRI. SHANKARA REDDY C., ADVOCATE FOR R1;
R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.02.2021 PASSED IN MVC
NO.673/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
ADDITIONAL MACT, TURUVEKERE PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The claimant has preferred this appeal challenging the judgment and award dated 19.02.2021 passed in MVC No.673/2017 by the Senior Civil Judge and Additional MACT, Turuvekere (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petition and awarded a global compensation of Rs.10,000/- with interest at 6% per annum.

2. The factual matrix of the case is that on 26.01.2017 at about 10.30 a.m., the claimant had stopped his car bearing registration No.KA-07-M-4992 near Harakanakatte Gate. At that time, the driver of the car bearing registration No.KA-06-P-2173 drove the same in a rash and negligent manner and dashed against the rear portion of the claimant's car from behind. Due to the impact, the claimant sustained injuries and his car was also damaged. Hence, the claimant filed the claim petition seeking compensation for the injuries sustained by him and the damage caused to his car in the accident.



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3. Upon appreciation of the oral and documentary evidence on record, the Tribunal partly allowed the claim petition, as stated supra. Aggrieved by the same, the claimant has preferred this appeal.

4. Heard the learned counsel for the respective parties.

5. The primary contention of the learned counsel for the appellant is that, despite placing sufficient oral and documentary evidence before the Tribunal to establish the injuries sustained by the claimant as well as the damage caused to his car, the Tribunal, without properly appreciating the same, has awarded a global compensation of Rs.10,000/-. It is contended that, on account of the accident, the claimant's car was damaged and was subsequently repaired at Advait Motors Private Limited, for which the appellant incurred an expenditure of several lakhs of rupees. In order to substantiate the said expenditure, the appellant has filed I.A.No.1/2025 under Order XLI Rule 27 read with Section 151 of the CPC, along with the receipts and bills evidencing payment of the repair charges. It is further contended that, despite making



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sincere efforts, the appellant could not secure the presence of the doctor who had treated him for examination before the Tribunal. Hence, it is submitted that an opportunity may be granted to the appellant to produce the documents filed along with I.A.No.1/2025 and to examine the authors thereof, as well as the doctor who treated the claimant. Accordingly, he seeks remand of the matter to the Tribunal for fresh consideration.

6. *Per contra*, the learned counsel for the insurance company contended that the Tribunal was justified in awarding a global compensation of Rs.10,000/-, having regard to the fact that the claimant had sustained only simple injuries in the accident and had failed to examine the doctor who treated him. It is further contended that the documents produced along with I.A.No.1/2025 cannot be accepted at this stage, as their genuineness and evidentiary value are required to be tested before the Tribunal by examining the authors of those documents.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective



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parties so also perused the documents available on record including I.A.No.1/2025.

8. As could be gathered from records, the occurrence of the accident and the coverage of a valid insurance policy in respect of the offending car are not in dispute. The Tribunal, having regard to the evidence of PW.1-claimant, awarded a global compensation of Rs.10,000/-, considering that the claimant had sustained only simple injuries. However, the documents produced along with I.A. No.1/2025 indicate that the claimant's car was damaged in the accident and that he had incurred an expenditure of several lakhs of rupees towards its repairs. It is the contention of the learned counsel for the appellant-claimant that, for reasons beyond his control, he could not produce the said documents before the Tribunal during the pendency of the claim petition and that the same were obtained only after disposal of the claim petition.

9. In the circumstances, I find considerable force in the contention of the learned counsel for the appellant-claimant that the matter requires reconsideration by the Tribunal by affording an opportunity to the appellant-claimant to produce



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the aforesaid documents and to examine the authors of those documents, as well as such other relevant witnesses as may be necessary. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award dated 19.02.2021 passed in MVC.No.673/2017 by the Senior Civil Judge and Additional MACT, Turuvekere is set aside.
- iii. The matter is remitted back to the Tribunal concerned for fresh consideration.
- iv. The parties shall appear before the Tribunal on **29.10.2026** without expecting any notice from the Tribunal.
- v. The parties are at liberty to produce additional documents and lead further evidence if any.
- vi. The Tribunal shall dispose of the matter at the earliest since the accident is of the year 2017.
- vii. The Tribunal is also at liberty to frame additional issues if any, to decide the case.



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viii. The parties are directed to co-operate with the Tribunal for speedy disposal of the matter.

ix. All contentions of the parties are left open.

x. Registry is directed to send back the TCR along with certified copy of the judgment to the concerned Tribunal forth with.

In view of disposal of the appeals, pending I.As., if any, stand disposed of.

It is made clear that the claimant is not entitled for the interest from the date of this appeal till disposal of the claim petition on remand.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 35