



CNR: KAHC010228422025

NC: 2026:KHC:44105-DB
MFA No. 2484 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 2484 OF 2025 (MV-I)

BETWEEN:

SRI VIVEK SINGH GAUTAM
S/O SRI JAIVIJAY SINGH GAUTHAM
AGED ABOUT 34 YEARS
R/AT GANGAGANJ KANPUR
KANPUR NAGAR
UTTAR PRADESH – 208 001

PRESENTLY R/AT
SMQ 87/08, AKASH VIHAR
AIRFORCE CAMP, MARTHHALLI
BANGALORE – 560 037.

...APPELLANT

(BY MS. PRIYANKA S. ANGADI, ADVOCATE FOR
SRI GURU PRASANNA S., ADVOCATE)

AND:

1. M/S KHT PRIME
K.H.T FIAT CAFFEE
(A DIVISION OF KHT
AGENCIES PVT LTD) NO. 92/93
AMAR JYOTHI LAYOUT DOMLUR
KORAMANGALA INTERMEDIATE ROAD
BANGALORE – 560 071
(RC OWNER OF THE CAR
BEARING NO.KA-03-TC-0383)

Digitally signed
by G
SHREEBAKSHA
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010228422025

NC: 2026:KHC:44105-DB
MFA No. 2484 of 2025

2. M/S GENERALI CENTRAL
INSURANCE COMPANY LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT
HAVING ITS REGISTERED OFFICE AT
UNIT NO.801 AND 802
8TH FLOOR, TOWER EMBASSY 247
PARK, L.B.S.MARG, VIKHROLI(W)
MUMBAI – 400 083, INDIA.

...RESPONDENTS

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

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.30.11.2024 PASSED IN MVC
NO.5920/2022 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSES, MEMBER, PRL. MACT, BENGALURU SCCH-1,
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 R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This Miscellaneous First Appeal is filed by the
claimant seeking enhancement of compensation. However
at the outset, learned counsel for the appellant submitted
that the Tribunal has rejected or reduced the quantum,



CNR: KAHC010228422025

mainly on the ground that the appellant did not examine the treating doctor. This is a case of permanent injury and, therefore, it is essential that the treating doctor had to be examined by the appellant. Nevertheless, it is submitted that the Hon'ble Supreme Court in the case of ***Raj Kumar Vs. Ajay Kumar and Another*** reported in ***(2011) 1 SCC 343***, which was further relied upon by a Co-ordinate Bench of this Court in the case of ***Iqbalahamed Vs. Vice-Chairman Patel Integrated Logistics Ltd. and Others*** reported in ***ILR 2017 KAR 3045***, have held that, it is essential that, the treating doctor to be summoned by the presiding officers of the Tribunal by invoking the powers under Section 165 of the Evidence Act. In that view of the matter, learned counsel for the appellant submits that the impugned judgment may be set aside and the matter may be remanded back to the Tribunal to enable the summoning of the treating doctor and the doctor who has issued the disability certificate.



CNR: KAHC010228422025

2. Having regard to the submissions made by the learned counsel for the appellant and having regard to the judgments cited, we find substance in the submission made by the learned counsel for the appellant. The Co-ordinate Bench, while placing reliance on a judgment of the Hon'ble Supreme Court in the case of ***Raj Kumar Vs. Ajay Kumar and Another*** (supra) has held that, repeatedly it has come to the notice of this Court that in large number of claim petitions, the claimants are unable to produce either the treating doctor or the doctor who has issued the disability certificate, as witness. However, the Co-ordinate Bench has felt it necessary to direct the presiding officers of the Tribunal to invoke the powers conferred under Section 165 of the Evidence Act to issue summons to the treating doctors or the doctors who have issued the disability certificate, to appear before the Tribunal as witnesses. We do not find any reason to reject the submission made by the learned counsel for the appellant.



CNR: KAHC010228422025

NC: 2026:KHC:44105-DB
MFA No. 2484 of 2025

3. Consequently, we proceed to ***partly allow*** the appeal and set aside the impugned judgment and award passed by the learned Chief Judge of the Small Causes and MACT (SCCH - 1), Bengaluru in MVC No.5920/2022, dated 30.11.2024 and remand the matter back to the Tribunal with a specific direction to issue notice to the treating doctor and the doctor who has issued the certificate of disability to the claimant, summon them as witnesses and enable their examination and cross-examination before the Tribunal. In this regard, the claimant is also permitted to file necessary application.

4. The parties are directed to appear before the Tribunal on **21.09.2026**, without waiting for further notice. The Tribunal shall take up the matter on 21.09.2026 and proceed in terms of the directions issued by this Court.

5. The claimant appears to have furnished certain original records along with I.A.No.1/2025. Office is



CNR: KAHC010228422025

NC: 2026:KHC:44105-DB
MFA No. 2484 of 2025

directed to return the original documents which are
furnished along with I.A.No.1/2025 to the claimant.

Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE

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

GSR
List No.: 1 Sl No.: 9