



CNR: KAHC010268782019

NC: 2026:KHC:40016
MFA No. 7357 of 2019
C/W MFA No. 7356 of 2019
MFA No. 7358 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.7357 OF 2019(MV-I)
C/W

MISCELLANEOUS FIRST APPEAL NO.7356 OF 2019(MV-I)
MISCELLANEOUS FIRST APPEAL NO.7358 OF 2019(MV-I)

IN MFA No. 7357/2019:

BETWEEN:

SRI. H. UTHAPPA,
S/O LATE H.V.SUBBAYYA,
AGED ABOUT 65 YEARS,
R/AT NO.85/3, 7TH CROSS,
BHOOPASANDRA MAIN ROAD,
SANJAYNAGAR,
BANGALORE-560 094.

...APPELLANT

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. GOPI P.M., ADVOCATE FOR
SRI. SIDDAMALLAPPA P. M., ADVOCATE)

AND:

1. SRI. JAGADEESH P. JAIN,
S/O PADMAYYA JAIN,
AGED ABOUT 45 YEARS
R/AT SRI MATHA,
DOOR NO.108, MAVINATHOLA,
BENGRE VILLAGE, BHATKAL TALUK,
UTTARA KANNADA DISTRICT-581 421.
2. THE NEW INDIA ASSURANCE CO. LTD.,
FIRST FLOOR, PUSHPA BUILDING,
MAIN ROAD, KUNDAPURA,
UDUPI DISTRICT-576 201
AND ALSO AT



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REGIONAL OFFICE, MISSION ROAD,
SAMPANGIRAMNAGAR,
BANGALORE-560 002.

...RESPONDENTS

(BY SRI.NAGARAJ S. JAIN, ADVOCATE FOR R1 (ABSENT);

SRI. C.R. RAVISHANKAR, ADVOCATE FOR R2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED. 28.02.2019, PASSED IN MVC
NO.1119/2018, ON THE FILE OF THE X-ADDITIONAL JUDGE,
COURT OF SMALL CAUSES, BENGALURU (SCCH-16), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 7356/2019

BETWEEN:

SMT. SUJATHA
W/O RUDRAPPA
AGED ABOUT 42 YEARS
R/AT NO.24, 3RD STAGE,
3RD BLOCK, 2ND MAIN ROAD,
NEAR APEX BANK,
BASAVESWARANAGAR,
BANGALORE-560 079.

...APPELLANT

(BY SRI. GOPI M., ADVOCATE FOR

SRI. SIDDAMALLAPPA P M., ADVOCATE)

AND:

1. SRI. JAGADEESH P. JAIN
S/O PADMAYYA JAIN,
R/AT SRI MATOHA
DOOR NO.108, MAVINATHOLA,
BENGRE VILLAE, BHATKAL TALUK,
UTTARA KANNADA DISTRICT-581 421
(OWNER OF THE TANKER KA-47-6518)



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2. THE NEW INDIA ASSURANCE CO. LTD
FIRST FLOOR, PUSHPA BUILDING,
MAIN ROAD, KUNDUPURA,
UDUPI DISTRICT-576 201
AND ALSO AT
REGIONAL OFFICE, MISSION ROAD,
SAMPANGIRAMNAGAR,
BANGALORE-560 002
(INSURER OF THE VEHICLE TANKER KA-47-6518)
...RESPONDENTS

(R1- SERVED-UNREPRESENTED;

SRI. C.R. RAVISHANKAR, ADVOCATE FOR R2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.02.2019 PASSED IN MVC
NO.1121/2018 ON THE FILE OF THE X ADDITIONAL JUDGE,
COURT OF SMALL CAUSES, MOTOR ACCIDENT CLAIMS
TRIBUNAL, BENGALURU, (SCCH-16), PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 7358/2019:

BETWEEN:

KUMARI SANKETHA,
DAUGHTER OF BIRADHAR,
AGED ABOUT 12 YEARS,
SINCE MINOR REPRESENTED BY
HER NATURAL GURADIAN,
SMT. SUJATHA,
RESIDING AT NO.24,
3RD STAGE, 3RD BLOCK,
2ND MAIN ROAD,
NEAR APEX BANK,
BASAWESWARANAGAR,
BANGALORE - 560079.

...APPELLANT

(BY SRI. GOPI P.M., ADVOCATE FOR



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SRI. SIDDAMALLAPPA P. M., ADVOCATE)

AND:

1. SRI. JAGADEESH P. JAIN
SON OF PADMAYYA JAIN,
AGED 45 YEARS
RESIDING AT SRI. MATHA,
DOOR NO.108, MAVINATHOLA,
BENGRE VILLAGE, BHATKAL TALUK,
UTTARA KANNADA DISTRICT - 581421
(OWNER OF THE TANKER KA-47-6518)
2. THE NEW INDIA ASSURANCE CO. LTD.,
FIRST FLOOR, PUSHPA BUILDING,
MAIN ROAD, KUDUPURA,
UDUPI DISTRICT 576201.AND ALSO AT
REGIONAL OFFICE, MISSION ROAD,
SAMPANGIRAMANAGAR,
BANGALORE - 560002.
(INSURER OF THE VEHICLE TANKER KA-47-6518)
...RESPONDENTS

(BY SRI. NAGARAJ S. JAIN, ADVOCATE FOR R1(ABSENT);

SRI. C.R. RAVISHANKAR, ADVOCATE FOR R2)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT. 28.02.2019 PASSED ON
MVC NO.1120/2018 ON THE FILE OF THE X ADDITIONAL
JUDGE, COURT OF SMALL CAUSES, MACT, BENGALURU
(SCCH-16), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THESE APPEALS ARE COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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COMMON ORAL JUDGMENT

Heard Sri.Gopi.P.M who represents Sri. Siddamallappa.P.M, learned counsel on record for the appellants in all the three appeals. Also heard Sri.C.R.Ravishankar, learned counsel who represents respondent No.2 in all the appeals. Though Sri.Nagaraj.S. Jain represents respondent No.1 in MFA No.7357/2019 and MFA No.7358/2019, learned counsel has not chosen to appear and argue.

2. Challenge in MFA No.7357/2019 is the award that is passed by the Motor Accident Claims Tribunal, Bengaluru in MVC No.1119/2018. The award which is under challenge in MFA No.7356/2019 is the one rendered in MVC No.1121/2018. Likewise the award which is under challenge in MFA No.7358/2019 is that of the award that is rendered in MVC No.1120/2018. All the three awards are dated 28.02.2019 and by the same Tribunal. As submitted



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by learned counsel who represents the appellants in all the three cases, the quantum is only in dispute.

Contentions raised, arguments advanced and findings in MFA No.7357/2019 (Award under challenge is the one in MVC No.1119/2018):

3. Learned counsel for the appellant submits that appellant sustained two grievous injuries in a road traffic accident and took treatment as inpatient for considerable period. Appellant worked as Additional Labour Commissioner and retired from service. While filing the claim petition and during pendency of the case, appellant could not produce relevant medical records. Therefore, appellant filed IA No.1/2022 before this Court seeking permission to adduce additional evidence. By allowing said application, the case may be remanded to the concerned Tribunal for proper adjudication. Learned counsel also submits that 80% of the medical expenditure was borne by Medi Assist India Private Limited from whom appellant



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took policy and remaining amount was paid by the appellant and thus appellant is entitled to receive the amount he paid.

4. Submitting that appellant cannot be permitted to lead additional evidence, learned counsel who represents respondent No.2 contends that the claim petition was filed in the year 2018 and the case was disposed of by the Tribunal in the year 2019. In the year 2019 itself appeal came to be filed. Respondent No.2 satisfied the award also. Keeping quiet without producing any evidence whatsoever, appellant has now filed an interlocutory application seeking permission to produce additional evidence and thus he should not be accorded any opportunity for producing such evidence. Learned counsel also submits that appellant has not chosen to examine even the doctor who treated him before the Tribunal.



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5. Record discloses justification in the submission made by learned counsel for respondent No.2. Appellant is not an illiterate. As per the submission made by learned counsel for the appellant, appellant worked as Additional Labour Commissioner and retired from service. Therefore, appellant should have been diligent in pursuing the matter. As per the material available on record, when the accident occurred in the year 2015, claim petition came to be filed in the year 2018 and it was disposed of in the year 2019. When the proceedings were pending before the Tribunal, appellant has not chosen to establish his case either by examining the doctor who treated him or by producing medical records. Appellant seeks to produce the medical record in respect of treatment he took in the year 2015. Thus it is clear that by the date of filing of the claim petition itself the appellant was in possession or has knowledge of the medical record which he intends to produce now as additional evidence in this appeal. The appeal came to be filed in the year 2019. Even at the time



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of filing of appeal, the appellant has not chosen to seek permission for production of additional evidence. Having kept quiet for more than 2 years, he filed such an application seeking for receiving additional evidence. If the appellant was found to have no knowledge of the Court proceedings or if he had shown reasonable cause for non-production of the relevant medical record, IA No.1/2022 would have been entertained. However, appellant failed to show such reasonable cause. Therefore, this Court is of the view that there are no grounds to permit the appellant to produce additional evidence at this stage.

6. Coming to the merits of the matter, by all the evidence produced appellant established that he sustained two grievous injuries i.e., injury to the forehead and injury to the right radius. Tribunal granted a sum of Rs.50,000/- as compensation globally. Having considered the nature of injuries sustained, this Court is of the view that appellant would have taken bed rest at least for a period of 3 months and during that period he might have suffered



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with lot of pain and might have taken assistance of an attendant to move and to attend all his daily activities. Hence, this Court is of the view that compensation granted by the Tribunal is required to be enhanced by Rs.20,000/-. Thus this Court ultimately holds that appellant is entitled to an additional sum of Rs.20,000/- towards compensation.

Contentions raised, arguments advanced and findings in MFA No.7356/2019 (Award under challenge is the one in MVC No.1121/2018):

7. In the case on hand, the version of the appellant is that she was working as tailor and was earning Rs.10,000/- per month by the date of accident, but due to the injuries sustained she became permanently and completely disabled. Tribunal awarded a sum of Rs.40,000/- as compensation. Learned counsel for the appellant states that compensation granted is on lower side. Learned counsel who represents respondent No.2 on



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the other hand submits that the sum granted towards compensation is justifiable.

8. It is not in dispute that appellant sustained a grievous injury on the forehead besides three other simple injuries. However, appellant failed to establish the nature of treatment she has taken and the medical expenditure she incurred. However, having considered the nature of injuries sustained, this Court is of the view that appellant might have taken bed rest at least for a period of 3 months. Therefore, appellant in all probability should have sustained financial loss being bedridden. Thus considering the nature of injuries sustained and the resultant financial loss during laid-up period, this Court is of the view that compensation granted by the Tribunal is required to be enhanced by Rs.30,000/-. Thus the appellant is entitled to an additional sum of Rs.30,000/- towards compensation.



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Contentions raised, arguments advanced and findings in MFA No.7358/2019 (Award under challenge is the one in MVC No.1120/2018):

9. The appellant, a minor girl, as per the material available on record, sustained a grievous injury to the left forearm. She also sustained two other simple injuries. When learned counsel for the appellant submits that compensation awarded by the Tribunal i.e., Rs.35,000/- is on lower side, learned counsel who represents respondent No.2 states that in the light of failure on the part of the appellant to establish the treatment taken, the compensation granted by the Tribunal is justifiable.

10. Having considered the fact that the appellant sustained 1 grievous injury and 2 simple injuries, this Court is of the view that an attendant would have attended all the necessities of the appellant during the time of bed rest and such bed rest might have been at least for a period of 2 months. The Tribunal held that



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globally appellant is entitled to a sum of Rs.35,000/-. Considering the pain and suffering which the appellant might have underwent till recovery, the expenditure which might have been incurred for treatment, transportation, food, extra nourishment and attendant charges, this Court is of the view that compensation granted by the Tribunal is required to be enhanced by Rs.15,000/-. Thus this Court holds that appellant is entitled to an additional sum of Rs.15,000/- towards compensation.

11. Thus in the light of foregoing discussion, all the three appeals are disposed of with the following:

ORDER

- (i) All the three appeals are *allowed-in-part*.
- (ii) Compensation granted by Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.1119/2018 dated 28.02.2019 is enhanced by Rs.20,000/-.



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- (iii) IA No.1/2022 in MFA No.7357/2019 is dismissed.
- (iv) The compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.1121/2018 dated 28.02.2019 is enhanced by Rs.30,000/-.
- (v) The compensation that is granted by the Motor Accidents Claims Tribunal, Bengaluru through orders in MVC No.1120/2018 dated 28.02.2019 is enhanced by Rs.15,000/-.
- (vi) The enhanced sum in all the three appeals shall carry interest at the rate of 6% per annum from the date of filing of respective claim petitions till the date of deposit.
- (vii) Respondent No.2 to all the three appeals is directed to deposit the enhanced sum



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within a period of 8 weeks from the date of receipt of certified copy of this judgment.

(viii) On deposit, appellants in MFA No.7357/2019 and MFA No.7356/2019 are permitted to withdraw the entire amount.

(ix) The appellant in MFA No.7358/2019 is permitted to withdraw the deposited amount only on producing sufficient proof to show that she attained the age of majority.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 15