

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1922 OF 2022(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.4519 OF 2022(MV-I)

IN MFA No. 1922/2022

BETWEEN:

SRI RAMESH
S/O RAMAIAH
AGED 42 YEARS
R/AT HOLAVANAHALLI VILLAGE
KORATAGERE TALUK
TUMAKURU DIST - 572 101

PRESENTLY R/AT KOTE
GANESHA TEMPLE ROAD
KANAKAPURA TOWN
RAMANAGARA DIST - 562 117

...APPELLANT

(BY SRI. PRAKASH M.H, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. UNITED INDIA INSURANCE CO.LTD.,
THIRD PARTY CLAIMS HUB
NO.9, 5TH AND 6TH FLOORS
HUDSON CIRCLE
KRUSHIBHAVANA
BANGALORE - 560 001.
REP BY ITS MANAGER
2. SRI MAHALINGU M
S/O MARILINGEGOWDA
AGE: MAJOR
R/AT GADASAHALLI VILLAGE

KASABA HOBLI
KANAKAPURA TALUK
RAMANGARA DIST - 562 117

...RESPONDENTS

(BY SMT. GEETHA R, ADVOCATE FOR R1,
VIDE ORDER DATED 28.02.2022, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 06.09.2021 PASSED IN MVC
NO. 1832/2018 ON THE FILE OF THE 6TH ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, MACT, BENGALURU (SCCH-2),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 4519/2022

BETWEEN:

M/S. UNITED INDIA INSURANCE COMPANY LTD.,
THIRD PARTY CLAIMS HUB
NO.9, 5TH AND 6TH FLOORS
HUDSON CIRCLE
KRISHIBHAVAN
BANGALORE - 560 001
REPRESENTED BY ANJALI V TIGADI
MANAGER

...APPELLANT

(BY SMT. GEETHA R, ADVOCATE)

AND:

1. MR. RAMESH
S/O RAMAIAH
AGED ABOUT 42 YEARS
RESIDING AT HOLAVANAHALLI VILLAGE
KORATEGERE TALUK
TUMKUR DISTRICT
PRESENTLY RESIDING AT KOTE
GANESHA TEMPLE ROAD
KANAKAPURA TOWN
RAMANAGARA DISTRICT - 562 117
2. MR MAHALINGU M

MAJOR
S/O MARILINGEGOWDA
RESIDING AT GADASAHALLI VILLAGE
KASABA HOBLI, KANAKAPURA TOWN
RAMANAGARA DISTRICT - 562 117

...RESPONDENTS

(BY SRI. PRAKASH M.H, ADVOCATE FOR R1,
R2 - SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 06.09.2021 PASSED IN MVC NO.1832/2018 ON THE FILE OF THE VI ASCJ AND ACMM, MACT, BENGALURU, SCCH-2, AWARDED COMPENSATION OF RS.2,77,300/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL DATE OF DEPOSITING OF THE COMPENSATION AMOUNT IN THE COURT.

THESE APPEALS HAVING BEEN RESERVED FOR JUDGMENT ON 25.08.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT

These two appeals arise out of the judgment and award dated 06.09.2021 passed in M.V.C. No.1832/2018 by the VI Additional Judge, Court of Small Causes and ACMM, MACT, Bengaluru (SCCH-2) (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petition and awarded compensation of Rs.2,77,300/- with interest at 6% per annum from the date of the petition till the date of realization.

2. The brief facts necessary for disposal of these appeals are that, on 13.01.2018 at about 10.30 p.m., the claimant-Ramesh was proceeding on his motorcycle bearing Registration No.KA-42-S-2006 on NH-209, Kanakapura-Sathanuru Main Road. When he reached KNS Circle, the rider of another motorcycle bearing Registration No.KA-05-KB-6710, who was proceeding from C.B. Circle towards KNS Circle, came at a high speed in a rash and negligent manner and dashed against the rear portion of the claimant's motorcycle. Due to the impact, the claimant sustained injuries all over his body. Immediately, he was shifted to the General Hospital, Kanakapura, for first aid and thereafter to Nethradhama Eye Hospital, Bengaluru, for further treatment. Subsequently, he lodged a complaint before the Kanakapura Police Station on 29.01.2018, based on which FIR came to be registered in Crime No.6/2018 against the rider of the motorcycle bearing Registration No.KA-05-KB-6710. Thereafter, the claimant filed a claim petition seeking compensation for the injuries sustained by him in the accident.

3. Upon appreciation of both oral and documentary evidence on record, the Tribunal partly allowed the claim petition and awarded compensation as stated supra. Being

aggrieved by the same, the claimant has preferred M.F.A. No.1922/2022 seeking enhancement of compensation, whereas the insurer has preferred M.F.A. No.4519/2022 questioning the occurrence of the accident itself and fastening of liability on it.

4. Heard the learned counsel for the respective parties.

5. The primary contention of the learned counsel for the insurer is that there is an inordinate delay in lodging the complaint. Though the alleged accident occurred on 13.01.2018, the complaint was lodged only on 29.01.2018, after a delay of 15 days, for which no satisfactory explanation has been offered by the claimant. She further contended that, immediately after the accident, the claimant was shifted to the General Hospital, Kanakapura, where, in the MLC, the history was initially recorded as "assault". Subsequently, the said entry was struck off and the history was recorded as "caused while pedestrian on hit by two wheeler on 13.01.2018 at 11.40 p.m.". Further, the wound certificate at Ex.P6, issued on 23.04.2018, also records the history of the accident as "caused while pedestrian on hit by two wheeler on 13.01.2018 near KNS Circle, Kanakapura Town at 11.40 p.m.". The said history is

clearly contrary to the averments made in the claim petition and the complaint, wherein it is stated that the claimant was riding motorcycle bearing Registration No.KA-42-S-2006 and that the rider of motorcycle bearing Registration No.KA-05-KB-6710 came from behind and dashed against his motorcycle.

6. She further contended that PW.3-Doctor, who is the author of Ex.P20 and Ex.R1, has categorically admitted in his cross-examination that the history was narrated by the claimant himself and that, after striking off the word "assault", the history was recorded as the claimant having been hit by a two-wheeler while walking on the road. Further, referring to the evidence of PW.4 - Investigation Officer, she contended that PW.4, has categorically admitted in his cross-examination that he came to know about the accident within 15 minutes of its occurrence and visited the spot. However, he neither registered the FIR nor conducted the spot mahazar or recorded the statement of the claimant. In such circumstances, the fact that the FIR was registered only after 15 days of the alleged accident, coupled with the absence of any satisfactory explanation for the said delay either by the claimant or PW.4, clearly indicates that the offending motorcycle was

subsequently implicated as an afterthought for the purpose of claiming compensation.

7. She further contended that once it is established that the claim is founded on fraud, the entire edifice of the claim collapses and no relief can be granted. The quantification of loss cannot override the foundational requirement of a genuine and bona fide claim, as held by the Hon'ble Apex Court in a catena of judgments. She also contended that the IMV report at Ex.P5 discloses that there was no visible damage to the offending motorcycle. In the circumstances, she contended that the alleged accident itself is doubtful and that the Tribunal has committed a serious error in allowing the claim petition. Accordingly, she prays to allow the appeal by setting aside the impugned judgment and award.

8. In support of her contentions, she placed reliance on the following judgment:

i. United India Insurance Company Limited vs. Sayona Colours Pvt. Ltd., - 2026 INSC 287.

ii. NWKRTC vs. Gourabai & Others - AIR Online 2009 SC 295.

iii. Ashok Jadav @ Ashok Kumar vs.
Parappaswamy and another - MFA
No.7387/2024 dated 11.06.2026 passed by the
Co-ordinate Bench of this Court.

9. On the other hand, the learned counsel for the claimant contended that the Tribunal was justified in holding that the accident occurred due to the rash and negligent riding of the motorcycle bearing Registration No.KA-05-KB-6710, resulting in the claimant sustaining grievous injuries. However, he contended that the Tribunal was not justified in awarding meagre compensation. According to him, there is no reason to doubt the occurrence of the accident, particularly when the rider of the offending motorcycle also sustained injuries in the very same accident and was admitted to the General Hospital, Kanakapura, about 10 minutes prior to the admission of the claimant. He pointed out that the MLC register of the rider at Ex.P19 discloses that he sustained injuries due to "RTA hit by two wheeler at around 10.15 p.m. on 13.01.2018 at K.N.S. Circle". The time of admission mentioned in Ex.P19 is 11.30 p.m., whereas the time of admission of the claimant in Ex.P20 - the MLC register of claimant is mentioned as 11.40 p.m. In such circumstances, he contended that the occurrence of the

accident, as stated by the claimant and established during the police investigation, cannot be disbelieved.

10. He further contended that PW.3-Doctor has categorically stated in his evidence that the claimant had sustained severe injuries to his eye and was in a panic condition, on account of which he initially stated the history as "assault" and subsequently as "RTA". He also contended that Ex.P6-wound certificate was issued based on the MLC register. Further, the claimant, in his evidence, has stated that, due to the injuries sustained to his eyes, he was under continuous treatment for a period of 15 days and thereafter lodged the complaint, which explains the delay in lodging the complaint. He also contended that, though the rider of the offending motorcycle was arrayed as respondent No.1 before the Tribunal, the insurer failed to examine him to ascertain the manner in which the accident occurred. In such circumstances, he contended that the Tribunal was justified in accepting the occurrence of the accident in the manner pleaded by the claimant.

11. Additionally, the learned counsel contended that, after a detailed investigation, the jurisdictional police filed a

charge sheet against the rider of the offending motorcycle. He further contended that PW.2 and PW.3-Doctors have categorically deposed that the claimant sustained grievous injuries to his right eye. The discharge summaries at Ex.P8 discloses that the claimant suffered traumatic optic neuropathy of the right eye, and the wound certificate - Ex.P6 also records the said injury as grievous in nature. Accordingly, he prays to allow the claimant's appeal and enhance the compensation awarded by the Tribunal.

12. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and also perused the materials on record.

13. As could be gathered from records, the coverage of the offending vehicle under the insurance policy is not in dispute. The contention of the insurer is that the claimant did not sustain injuries in a road traffic accident, as the MLC register initially mentioned "assault", which was subsequently struck off and replaced with the entry "caused while pedestrian on hit by two wheeler on 13.01.2018 at 11.40 p.m.", which is also reflected in the wound certificate at Ex.P6. It is therefore contended that the Tribunal erred in holding that the claimant

sustained injuries in the accident and in fastening the liability on the insurer.

14. However, a careful perusal of Ex.P19, the MLC register pertaining to the rider of the offending motorcycle, and Ex.P20, the MLC register pertaining to the claimant, clearly establishes that both were admitted to the General Hospital, Kanakapura within a short interval of time. Ex.P19 records the history as "RTA hit by two wheeler at around 10.15 p.m. on 13.01.2018 at K.N.S. Circle" and shows the time of admission of the rider as 11.30 p.m., whereas Ex.P20 records the claimant's admission at 11.40 p.m. Thus, the contemporaneous medical records corroborate the occurrence of the accident and the fact that the claimant sustained injuries therein. Further, PW.3-Doctor has categorically deposed that, as the claimant was in a state of panic on account of the severe injury to his eye, he initially stated the history as "assault" and immediately thereafter stated it as "RTA". He has also deposed that Ex.P6-wound certificate was issued on the basis of the MLC. Hence, the mere initial mention of "assault" in the MLC, which was subsequently corrected, cannot discredit the otherwise consistent medical evidence and contemporaneous records establishing the occurrence of the accident.

15. With regard to the delay in lodging the complaint, PW.1-claimant has categorically deposed that, on account of the injuries sustained to his eyes, he was under continuous treatment for about 15 days and, therefore, was unable to approach the police immediately, resulting in the delay in lodging the complaint. Further, though the rider of the offending motorcycle was arrayed as respondent No.1 before the Tribunal, the insurer has not chosen to examine him to disprove the occurrence of the accident. Thus, the delay in lodging the complaint, in the facts and circumstances of the case, by itself cannot be a ground to disbelieve the occurrence of the accident.

16. It is well settled that the proceedings under the Motor Vehicles Act are required to be adjudicated on the touchstone of preponderance of probabilities. The Hon'ble Apex Court, in **MANGLA RAM V. THE ORIENTAL INSURANCE COMPANY LIMITED - 2018 (5) SCC 656**, has held that strict proof of an accident having been caused by a particular vehicle in a particular manner may not be possible for the claimants and that their case is required to be established on the touchstone of preponderance of probabilities. The standard of

proof beyond reasonable doubt cannot be applied to such proceedings.

17. In the present case, the MLC register of the rider of the offending motorcycle, coupled with the evidence of the Doctor explaining that the claimant, being in a panic condition due to the severe injuries sustained to his eyes, initially stated the history as "assault", the corresponding entries in the MLC register of the claimant, the timing of admission of both the rider and the claimant in the very same hospital, the charge sheet filed against the rider of the offending motorcycle, and the explanation offered by the claimant for the delay in lodging the complaint, collectively establish the involvement of the offending motorcycle in the accident and the injuries sustained by the claimant therein. Therefore, merely because the word "assault" was struck off in Ex.P20 and Ex.R1, the entire case of the claimant cannot be discarded.

18. In view of the aforesaid circumstances, I am of the considered view that the Tribunal was justified in holding that the accident occurred in the manner pleaded by the claimant and that the claimant sustained injuries in the said accident. The judgments relied upon by the insurer in **SAYONA**

COLOURS and **NWKSRTC** (supra) are distinguishable on facts and are, therefore, not applicable to the present case.

19. As regards the quantum of compensation, the Tribunal has assessed the disability of the claimant at 10%. However, PW.2-Doctor has assessed the permanent visual disability of the claimant at 30% on account of the injury sustained to his right eye. Having regard to the nature of the injury and the fact that the disability relates to the visual impairment of the right eye, there is no justifiable reason to assess the disability at a lower percentage than that assessed by the Doctor. Further, the visual impairment of the right eye would necessarily result in functional disability to the extent of at least 30%. In the circumstances, I deem it just and appropriate to assess the disability of the claimant at 30%.

20. The Tribunal has rightly determined the notional income at Rs.12,500/- since the accident was of the year 2018. Since the disability is now assessed at 30% and the claimant was aged 38 years as on the date of accident, in view of the Division Bench judgment of this Court in the case of **MFA.103807/2016 disposed of on 27.05.2022**, the claimant would be entitled addition of 40% towards future

prospects. Thus, the income of the claimant to calculate the loss of future earnings would be Rs.17,500/- (Rs.12,500 + 40%). Consequently, applying the multiplier of '15', the claimant would be entitled to Rs.9,45,000/- (Rs.17,500 X 12 X 15 X 30%) towards loss of future earnings.

21. Consequently, the claimant would also be entitled to a sum of **Rs.37,500/-** (Rs.12,500 X 3 months) towards loss of income during laid up period treating the laid up period as three months as against Rs.10,000/- awarded by the Tribunal.

22. Having regard to the nature of injuries and the lasting effects of the same on the claimant, I deem it just and appropriate to award a sum of **Rs.50,000/-** as against Rs.15,000/- towards pain and sufferings and **Rs.40,000/-** as against Rs.10,000/- towards loss of amenities awarded by the Tribunal.

23. Since the claimant suffered grievous eye injury, I deem it just and appropriate to award **Rs.10,000/-** under conventional heads as against Rs.500/- awarded by the Tribunal.

24. The sum of **Rs.16,740/-** awarded towards medical expenses, being based on documentary evidence, is affirmed.

25. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:

Sl. N o.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Pain and sufferings	15,000	50,000
2.	Loss of future income	2,25,000	9,45,000
3.	Medical expenses	16,740	16,740
4.	Loss of income during the laid up period	10,000	37,500
5.	Conveyance, attendant charges	500	10,000
6.	Loss of amenities and nourishment	10,000	40,000
	Total	2,77,240	10,99,240

26. Thus, the claimant is held entitled to the total compensation of **Rs.10,99,240/-** as against Rs.2,77,240/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

27. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

28. The amount in deposit shall be transferred to the concerned Tribunal.

29. Accordingly, the appeal of the claimant is ***allowed in part*** and the appeal of the insurer is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

PKS