



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.6263 OF 2019(MV-I)

BETWEEN:

SUKHEN S. KOTIAN,
AGED ABOUT 24 YEARS,
S/O SUDHAKAR K SUVARNA,
R/O KALEMBIGUTHU HOUSE,
PADEBETTU VILLAGE,
UDUPI TALUK AND DISTRICT-576 101.

...APPELLANT

(BY SRI. GANESHA R., ADVOCATE)

AND:

1. SURESH POOJARY
AGE: MAJOR
S/O MUDDU POOJARY
R/O KATTAPUNI HOUSE,
PADEBETTU VILLAGE, PADUBIDRI,
UDUPI TALUK AND DISTRICT.
2. THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
JEWEL PLAZA, MARUTHI VEETHIKA,
UDUPI TALUK AND DISTRICT-576 101.

...RESPONDENTS

(BY SMT. SUJATHA PANDIT, ADVOCATE FOR
SRI. K. SRIDHARA, ADVOCATE FOR R2 (VC);
V/O. DATED 24.09.2024, NOTICE TO R1 IS DISPOSED WITH)

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by AASEEFA
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Location: HIGH
COURT OF
KARNATAKA



THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.01.2019, PASSED IN MVC NO.441/2017, ON THE FILE OF THE II-ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, UDUPI, 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Ganesha.R, learned counsel for the appellant who appears before this Court physically. Also heard Smt.Sujatha Pandit who appears through video conference and represents Sri.K.Sridhara, learned counsel on record for respondent No.2.

2. This appeal is filed by the claimant in MVC No.441/2017 which stood pending before the Additional Motor Accident Claims Tribunal, Udupi and was disposed of through order dated 9.01.2019 raising a contention that



he is entitled to a higher sum than that which was awarded by the Tribunal as compensation.

3. Learned counsel for the appellant submits that appellant sustained a grievous injury as well as a simple injuries in a road traffic accident that occurred in the year 2016. Appellant was a student as on the date of accident. However, he was earning substantial amount. Due to the injuries sustained, he became permanently and completely disabled. Tribunal has not granted any compensation for the loss he sustained during laid up period as well as the loss which he would sustain in future financially. Compensation granted by the Tribunal under all heads is on lower side and therefore, the same requires enhancement.

4. On the other hand, learned counsel for respondent No.2 contends that the appellant except examining himself as Pw.1 has not chosen to produce any other evidence to establish the aspect of permanent



physical disability. Learned counsel also states that the appellant was not earning anything as on the date of accident. Therefore, awarding compensation towards loss of earnings during laid up period and loss of future earnings does not arise.

5. As per the version of appellant, he was a student of Tools Mechanic course as on the date of accident. As rightly contended by learned counsel for respondent No.2, appellant failed to produce any proof with regard to alleged physical permanent disability. However, by all the evidence produced appellant could establish that he sustained a grievous injury over forehead and simple injuries i.e., abrasion on left upper arm, abrasions over both knees and both feet. He also established that he took treatment as inpatient for 19 days. Thus the amount awarded as compensation for food, nourishment and attendant charges i.e., Rs.5,000/- and the amount awarded towards conveyance charges i.e., Rs.2,000/- is grossly low. Also no amount is awarded as



compensation for loss of amenities in life. Hence, taking into consideration the totality of facts and circumstances, this Court is of the view that a sum of Rs.50,000/- can be granted globally so that total amount which appellant receives will be justifiable.

6. Therefore, appeal is disposed of with the following:

ORDER

- (i) Appeal is *allowed in part*.
- (ii) The compensation that is granted by the Additional Motor Accident Claims Tribunal, Udupi through orders in MVC No.441/2017 dated 09.01.2019 is enhanced by Rs.50,000/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of 8(eight)



weeks from the date of receipt of certified copy of this judgment.

- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 SI No.: 27