



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.5051 OF 2022(MV-I)

BETWEEN:

ARMUGAM,
S/O. NARASIMHA REDDY,
AGED ABOUT 73 YEARS,
R/AT 72, 8TH CROSS,
K.P. AGRAHARA, MAGADI ROAD,
BANGALORE - 560 023.

...APPELLANT

(BY SRI. R. SHASHIDHARA., ADVOCATE)

AND:

1. SIDDEGOWDA R,
S/O RAMANNA, MAJOR
R/O 87, VIGNESHWARA NAGARA,
SUNKADAKATTE, V.N. POST,
BANGALORE - 560 091.
OWNER OF MOTOR CYCLE
BEARING NO.KA-41/H-0143.

2. THE LEGAL MANAGER,
RELIANCE GENERAL INSURANCE CO., LTD.,
UNNATI ARCADE,
5/111 AND 6/112
1ST FLOOR, 1ST BLOCK,
DR. RAJKUMAR ROAD,
1ST MAIN, RAJAJINAGAR,
BANGALORE - 560 010.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. LAKSHMINARAYAN C., ADVOCATE FOR R2
NOTICE TO RESPONDENT NO.1 IS DISPENSED WITH VIDE
ORDER DATED 01.06.2026)



THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:04.10.2021 PASSED IN MVC NO.461/2019 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACMM, MEMBER, MACT-3B BENGALURU, 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 MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is filed seeking enhancement of compensation, arising out of judgment and award dated 04.10.2021 in MVC.No.461/2019 passed by the VII Additional SCJ and ACMM, Member, MACT-3, Bengaluru.¹

2. The date of accident, involvement of vehicle and injuries suffered are not in dispute. The dispute is with regard to quantum of compensation and on the contributory negligence at the rate of 20% fastened on the claimant.

¹ 'Tribunal' for short



3. Heard, Sri. K.Kallesha, learned counsel appearing for Sri.R.Shashidhara, learned counsel for the appellant and Sri. Mallikarjunareddy N.A, learned counsel appearing for Sri.Lakshminarayan.C, learned counsel for respondent No.2. Notice to respondent No.1 is dispensed with vide order dated 01.06.2026.

4. The parties are referred to as per their ranking before the Tribunal.

5. In an accident occurred on 23.12.2018 at about 7.45 a.m, the claimant was aged 70 years suffered following injuries:

1. CLW left leg
2. Fracture both bones left leg.

6. Sri. K.Kallesha, with all vehemence submits that though the Tribunal has considered the medical bills produced at Ex.P8, in paragraph No.19 of the judgment, which comes to a total sum of Rs.2,19,047/-, however, awarded a sum of Rs.65,250/- under the head medical



expenses. Further, submits that the entire compensation awarded is Rs.1,42,250/- only on the premise that the Doctor has not been examined. The fact that the petitioner was aged 70 years and suffered fracture of both bones, the Tribunal ought to have considered the disability at the rate of 20% at least to the whole body and awarded appropriate compensation. Further, he submits that the compensation under the each head are on the lower side and requires re-consideration.

7. Per contra Sri. Mallikarjuna Reddy, learned counsel appearing for Sri.Lakshminarayan.C, learned counsel for respondent No.2/Insurer with all vehemence submits that the Tribunal has appropriately considered the medical bills at Paragraph No.19 stating that the claimant has not produced any payment receipts to corroborate that all the medical bills relied upon have been duly paid and settled by the claimant. Further, the Doctor was not examined. Admittedly, the claimant was 70 years of age, the Tribunal after considering the entire materials on



record awarded just compensation, which does not call for any interference. However, Sri. Mallikarjuna Reddy, is not in dispute with regard to the fractures suffered to both bones of left leg, but he maintained that in the absence of evidence of Doctor no disability can be considered.

8. Though the Doctor has not been examined, the fact remains that the claimant was aged 70 years as on the date of accident and suffered with fracture of both the bones to the left leg. Taking note of the fractures, the same may cause disability at 10% to 15% to the whole body. Looking at the compensation awarded under each head seems to be on the lower side. So far as medical bills are concerned this Court finds force in the argument of Sri. Mallikarjuna Reddy, in the absence of payment receipts, this Court finds that the Tribunal has appropriately considered the case while awarding compensation on medical expenses. In that view of the matter, instead of calculating compensation on each head, if a global compensation of Rs.1,00,000/- is awarded



without deducting 20% in respect of contributory negligence, along with interest at 6% p.a., the same would meet ends of justice.

9. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- i) The appeal is ***allowed-in-part.***
- ii) The judgment and award dated 04.10.2021 in MVC.No.461/2019 passed by the Tribunal is hereby modified by enhancing to Rs.1,00,000/- along with interest at 6% p.a., from the date of petition till the realization.
- iii) The Respondent No.2/Insurer shall deposit the entire sum of Rs.1,00,000/- without deducting 20% towards contributory negligence along with 6% p.a., from the date of petition till its realization.



- iv) Upon deposit, entire amount shall be released
in favour of the claimant on proper
identification.
- v) The Registry shall return the trial Court record
forthwith to the concerned Tribunal.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 13; ct-vn