



CNR: KAHC010321812018

NC: 2026:KHC:38811
MFA No. 2516 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 2516 OF 2018

(MV-I)

BETWEEN:

1. RAMAPPA
S/O MUNIVENKATAPPA,
AGED ABOUT 54 YEARS,
R/AT HOGALAGERE VILLAGE,
SRINIVASPURA TALUK,
KOLAR DISTRICT-563101

...APPELLANT

(BY SRI. BOPANNA B.,ADVOCATE)

AND:

1. RAJKUMAR P.N.
S/O NARAYANASWAMY,
AGED ABOUT 32 YEARS,
R/AT PURA VILLAGE,
KAMASAMUDRAM HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT-563101
2. BHARATI AXA GENERAL INSURANCE CO LTD
REPRESENTED BY ITS MANAGER,
1ST FLOOR, FEMS ICON,
SY.NO.28, DODDANEKUNDI VILLAGE,
K.R.PURAM, BANGALORE-560037.

...RESPONDENTS

Digitally signed
by AASEEFA
PARVATHI
Location: HIGH
COURT OF
KARNATAKA



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(BY SMT. PADMA S. UTTUR, ADVOCATE FOR SRI ASHOK N. PATIL, ADVOCATE FOR R2)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.09.2017 PASSED IN MVC NO.592/2014 ON THE FILE OF THE MACT & 2ND ADDITIONAL SENIOR CIVIL JUDGE, KOLAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR PART HEARD, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri Satish, learned counsel who represents Sri Bopanna B., learned counsel on record for the appellant as well as Smt.Padma S.Uttur, learned counsel who represents Sri Ashok N. Patil, learned counsel on record for respondent no. 2.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Kolar in MVC No.592/2014, dated 25.09.2017. This is a claimant's appeal.

3. On the ground that, he sustained grievous injury in a road traffic accident that occurred in the year 2014 and



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became permanently and completely disabled, appellant filed a petition seeking compensation of Rs.10,00,000/- in total. The Tribunal subjecting the evidence of PW1, and Exs-P8 to P12 to scrutiny, came to a conclusion that he is entitled to a sum of Rs.30,483/- as compensation. Aggrieved by the same, appellant is before this Court.

4. Learned counsel for the appellant contends that appellant sustained grievous injury and that injury resulted in disability. Appellant underwent a surgery and he took bed rest for considerable period. Tribunal granted meagre sum as compensation under material heads. No amount is awarded towards compensation either for loss of amenities in life or for loss of future earnings. Learned counsel, thereby, seeks for enhancement in compensation.

5. Per contra, learned counsel for respondent No. 2 submits that appellant sustained only one injury. No material whatsoever was produced by the appellant before the Tribunal to show that the injury resulted in permanent physical disability. Appellant did not even examine the doctor who



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treated him. Therefore, the compensation awarded by the Tribunal is just and reasonable.

6. The contents of Ex-P8 Wound Certificate reveals that appellant sustained contusion over anteriolateral part of right knee joint. As per Ex-P10 Discharge Summary, appellant took treatment as an in-patient from 09.06.2014 to 12.06.2014 and during the course of treatment, he underwent medial meniscetomy with reconstruction of ACL under spinal anesthesia. Thus, it is clear that, appellant sustained a grievous injury and the injury sustained was treated with surgical procedure. Appellant however failed to establish that the injury he sustained resulted in permanent physical disability.

7. Tribunal held that appellant is entitled to a sum of Rs.15,000/- towards pain and suffering, Rs.1,800/- towards incidental expenses, Rs.7,683/- towards medical expenses and Rs.6,000/- towards loss of income during laid-up-period.

8. Having considered the nature of injury sustained, this Court is of the view that, appellant would have taken bed rest at least for a period of 2 months. And also appellant would



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have incurred certain amount for transportation, attendant and extra nourishment. Compensation granted under all heads except medical expenses, as rightly contented by learned counsel for the appellant is on the lower side.

9. Having considered the totality of facts and circumstances and the evidence produced, this Court is of the view that, the compensation granted by the Tribunal is required to be enhanced by Rs.30,000/- so that the total sum which the appellant receives will be justifiable. Hence, the appeal is disposed of with the following:

ORDER

- i) The appeal is allowed-in-part.
- ii) Compensation granted by the Motor Accident Claims Tribunal, Kolar, through Orders in MVC No.592/2014 dated 25.09.2017 is enhanced by Rs.30,000/-.
- iii) The enhanced sum shall carry interest @ 6% per annum from the date of petition till the date of deposit, except



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for the period of delay of 75 days as per the orders on I.A.No.1/2018.

iv) Respondent No.2 is directed to deposit the enhanced sum within a period of 8 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

HR
List No.: 1 Sl No.: 13