



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 3874 OF 2017 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4634 OF 2017 (MV-I)

IN MFA No. 3874/2017

BETWEEN:

M/S ORIENTAL INSURANCE COMPANY LIMITED
REGIONAL OFFICE,
NO.44/45,
LEO SHOPPING COMPLEX,
RESIDENCY ROAD,
BENGALURU - 560 001
REP BY ITS DULY CONSTITUTED ATTORNEY.

...APPELLANT

(BY SRI. K.S.LAKSHMINARASAPPA A/W
SRI. M.VENKATESH.,ADVOCATE)

AND:

1. SRI.RAMANNA
S/O LATE HANUMAPP
AGED ABOUT 37 YEARS,
R/AT NO.22, NEAR NISARGA SCHOOL,
S.R.LAYOUT,
SIDEDAHALLI,
BENGALURU - 560 073.
2. SRI.THIPPANNA
S/O AIALAPPA,
AGED MAJOR,
R/AT NO.23/2,

Digitally signed
by NIRMALA
DEVI



Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:5332
MFA No. 3874 of 2017
C/W MFA No. 4634 of 2017

KEMPAPURA ROAD,
MAHINDARESHWARA NAGAR,
CHIKKABANAVARA,
BENGALURU - 560 090.
(OWNER OF THE 407 TEMPO
BEARING REG NO.KA-05/B-4184)

...RESPONDENTS

(BY SRI. N.R.RANGE GOWDA ADVOCATE FOR R1;
NOTICE TO R2 IS H/S V/O DATED 13.02.2023)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 24.01.2017 PASSED IN MVC
NO.4836/2015 ON THE FILE OF THE VIII ADDL. SAMLL
CAUSES JUDGE AND THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(SCCH-5) AT BENGALURU, AWARDDING COMPENSATION OF
RS.3,92,000/- WITH INTEREST AT THE RATE OF 9% P.A. FROM
THE DATE OF PETITION TILL THE DATE OF REALIZATION.

IN MFA NO. 4634/2017

BETWEEN:

SRI.RAMANNA
S/O LATE HANUMAPPA,
AGED ABOUT 37 YEARS
R/AT NO.22,
NEAR NISARGA SCHOOL,
S.R.LAYOUT,SIDEDAHALLI
BENGALURU - 560 073

...APPELLANT

(BY SRI. RANGE GOWDA N.R. ,ADVOCATE)

AND:

1. SRI.THIPPANNA
S/O AIALAPPA,
AGED MAJOR,
R/AT NO.23/2,
KEMPAPURA ROAD,
MAHINDARESHWARA NAGAR
CHIKKABANAVARA,



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BANGALORE - 560 090.

2. THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO.LTD.,
NO.44-45,LEO SHOPPING COMPLEX,
KARYAPPA ROAD, M.G.ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.K.S.LAKSHMINARASAPPA A/W
SRI. A.M.VENKATESH ADVOCATE FOR R2;
NOTICE TO R1 H/S V/O DATED 25/11/2025)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 24.01.2017 PASSED
IN MVC NO.4836/2015 ON THE FILE OF THE VIII
ADDITIONAL SMALL CAUSE JUDGE, & XXXIII ACMM,
MEMBER, MACT, BENGALURU,(SCCH-5), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The present appeals are filed by the insurer (MFA
No.3874/2017) as well as by the claimant (MFA No.4634/2017)
impugning the judgment and award dated 24.01.2017 passed
in MVC NO.4836/2015 on the file of the VIII Additional Small
Cause Judge, & XXXIII ACMM, Member, MACT,
Bengaluru,(SCCH-5)¹.

¹ hereinafter referred to as 'Tribunal'



2. Heard the submissions of Learned counsels Sri A.M.Venkatesh along with Sri K.S.Lakshminarasappa, for the insurer and learned counsel Sri N.R.Range Gowda, for the claimant.

3. Learned counsel for the insurer contends that the driver of the insured vehicle did not have a valid and effective driving licence and hence, the Tribunal erred in fastening the liability to pay the compensation awarded on the insurer. It is also contended that the compensation awarded under the head pain and suffering is on the higher side.

4. *Per contra*, learned counsel for the claimant submits that having regard to the judgment of the Supreme Court in the case of ***Oriental Insurance Co. Ltd vs Shri Nanjappan And Ors***² the insurer is liable to pay the compensation awarded with liberty to recover the same from the owner of the vehicle. It is also contended that the compensation awarded on various heads is liable to be enhanced.

² AIR 2004 SC 1630



Reg. Liability:

5. It is jointly submitted by both the learned counsel that having regard to the judgment in the case of **Shri Nanjappa²**, the compensation awarded is to be payable by the insurer with liberty to recover the same from the owner of the vehicle.

Reg. Quantum:

6. The claimant was aged 35 years as on the date of the accident i.e., on 23.09.2015. The claimant is stated to be a Coolie. The Tribunal has assessed his income at ₹6,000/- p.m. However, having regard to the date of the accident, the notional income of the claimant is reassessed as ₹9,000/- p.m.

7. It is forthcoming from the wound certificate (Ex.P2), discharge summary (Ex.P8), the testimony of the doctor (PW.3) and other medical records that he sustained subtrochanteric fracture of the left femur and other simple injuries. The claimant was treated as an inpatient for a total period of 20 days. The doctor has assessed the disability at 30% to the left lower limb and 15% to the whole body.



However, the Tribunal has assessed the disability at 12% to the whole body.

8. Learned counsel for the claimant submits that the disability assessed by the Tribunal is on the lower side and the same is required to be enhanced since the fracture is mal-united.

9. Although it is the vehement contention of the learned counsel for the insurer that the disability assessed by the Tribunal is just and proper, it is forthcoming from the testimony of the doctor (PW.3) and the other medical evidence on record that the fracture is mal-united. Hence, it is just and proper to reassess the disability as 15% to the whole body.

10. Having regard to the aforementioned, the compensation is reassessed as follows:

- i. The compensation awarded towards medical expenses, future medical expenses and loss of amenities is just and proper;
- ii. Having regard to the nature of injuries sustained and the period of treatment, the compensation towards



food, nourishment and miscellaneous expenditure is reassessed as ₹20,000/- as against ₹15,000/- awarded by the Tribunal;

iii. The Tribunal has awarded ₹1,00,000/- towards pain and suffering. The same is excessive. Having regard to the nature of injuries and the period of treatment, the said compensation is reassessed as ₹40,000/-;

iv. The Tribunal has not awarded any compensation towards loss of income during laid up period. The laid up period is assessed as three months and accordingly, a sum of (₹9,000/-x3) ₹27,000/- is awarded towards the same;

v. The loss of income due to disability is reassessed as (₹9,000/-x12x16x15) ₹2,59,200/- as against ₹1,39,000/- awarded by the Tribunal;

11. Accordingly, the total compensation under various heads is reassessed as follows:



Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Treatment, hospitalization, medicines and transportation	88000.00	88000.00
2.	Nourishing food and miscellaneous expenses	15000.00	20000.00
3.	Loss of earnings during the period of treatment	0.00	27000.00
4.	Loss of future earning on account of permanent disability	139000.00	259200.00
5.	Future medical expenses	25000.00	25000.00
5.	Pain and suffering and trauma as a consequence of injuries	100000.00	40000.00
6.	Loss of amenities (and/or loss of prospects of marriage)	25000.00	25000.00
7.	Loss of expectation of life	0.00	0.00
	Total	392000.00	484200.00

12. Hence, the claimant is entitled for enhanced compensation of (₹4,84,200/- – ₹3,92,000/-) ₹92,200/-.

13. Taking judicial notice of the rate of interest awarded towards Fixed Deposits, insofar as the compensation awarded by the Tribunal (i.e., ₹3,92,000/-) the rate of interest is awarded 6% p.a., and insofar as the enhanced compensation (i.e., ₹92,200/), the rate of interest is reassessed as 7% p.a.



14. In view of the aforementioned, the following:

ORDER

- i) The appeals are allowed in part;
- ii) The judgment and award dated 24.01.2017 passed in MVC NO.4836/2015 on the file of the VIII Additional Small Cause Judge, & XXXIII ACMM, Member, MACT, Bengaluru,(SCCH-5), is modified to the extent stated herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The compensation awarded by the Tribunal be paid together with interest at 6% p.a.
- iv) The claimant is entitled to enhanced compensation of ₹92,200/- with interest at 7% per annum from the date of petition till its realization, in addition to the compensation awarded by the Tribunal;
- v) The amount in deposit in MFA No.3874/2017 together with accrued interest be transmitted to the Tribunal;
- vi) The appellant in MFA No.3874/2017 - insurer shall deposit the balance compensation together with accrued interest within a period of six weeks;



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- vii) After deposit, the entire compensation with accrued interest be disbursed in terms of the award of the Tribunal;
- viii) The Registry to draw the modified award accordingly;
- ix) Records be transmitted to the Tribunal forthwith;
- x) No costs.

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 20