



CNR: KAHC010334582023

NC: 2026:KHC:46354
MFA No. 4539 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.4539 OF 2023(MV-I)

BETWEEN:

SRI. THULASI RAMAIAH,
S/O VEERAKAMANNA
NOW AGED ABOUT 39 YEARS,
R/AT THUPPADA KONA VILLAGE,
THUPPADA KONA POST,
BUKKAPATTANA HOBLI,
SIRA TALUK,
TUMKUR DISTRICT - 572 137.

PRESENT R/AT
NO.06, 4TH CROSS,
MUNAWARA BADAVANE,
MADAVARA, NICE ROAD,
BANGALORE - 560 073.

...APPELLANT

(BY SRI. TEJAS N., ADVOCATE)

AND:

1. SRI. MOHAN KUMAR,
S/O SHRIKANTHACHARI,
AGED MAJOR,
R/AT KRISHNAPPA LAYOUT,
KUDUREGERE ROAD,
MADANAYAKANAHALLI,
MADAVARA POST,

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DASANAPURA HOBLI,
BANGALORE - 562 162.

[OWNER OF INDICA CAR
BEARING REG NO.KA-17-B-3955]

2. THE REGIONAL MANAGER,
THE ORIENTRAL INSURANCE CO., LTD.,
OFFICE AT NO.44/45,
3RD FLOOR, LEO SHOPPING COMPLEX,
NEAR UNITY BUILDING, M.G. ROAD,
BANGALORE - 560 025.

[POLICY NO.423301/31/2022/7414
POLICY PERIOD FROM 21-12-2021
TO 20-12-2022]

...RESPONDENTS

(BY SMT. PADMAJA B.S., ADVOCATE FOR R2,
VIDE ORDER DATED 21.12.2023, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:04.01.2023 PASSED IN MVC NO.1286/2022 ON THE
FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF
SMALL CAUSES, MEMBER, MACT-7, BENGALURU, (SCCH-7),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.M.NADAF



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ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation, arising out of Judgment and Award dated 04.01.2023, passed by the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru¹, in MVC No.1286/2022.

2. The date of accident, involvement of vehicle and injury sustained are not in dispute. The only dispute is with regard to inadequate compensation.

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

4. Brief facts leading to file the present appeal are as under:

4.1 In an unfortunate accident occurred on 27.02.2022 at about 7:30 pm, the claimant while proceeding in his motorcycle bearing registration No.KA-04-KG-

¹ the Tribunal, for short



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6264, met with an accident due to the actionable rash and negligent driving of a Car bearing registration No.KA-17-B-3955 by its driver and suffered injuries viz., fracture of left tibia and undergone CRIF with IMIL nailing of left tibia under SA on 28.02.2022. The X-ray shows united fracture of tibia with implants in situ. The doctor who has been examined, stated the limb disability at 34% and whole body disability at 17%. The Tribunal after considering the disability at 8% and considering the income at Rs.15,500/-, awarded total compensation of Rs.4,18,436/- along with interest @ 6% per annum from the date of petition till realization. It is this Judgment and Award passed by the Tribunal is called in question in this appeal.

5. Heard, Sri.Tejas.N, learned counsel appearing for the claimant and Smt.Padmaja.B.S, learned counsel appearing for respondent No.2 Insurer. Notice of this



appeal on respondent No.1 is dispensed with vide order dated 21.12.2023.

6. Sri.Tejas.N, with all vehemence submits that the compensation awarded under the head 'loss of amenities', 'loss of future income', 'income during laid up period' and 'pain and suffering' are inadequate and requires reconsideration.

7. In contrast, Smt.Padmaja.B.S, learned counsel appearing for the Insurer submits that the Tribunal after considering the entire material placed on record, awarded appropriate compensation. As such, the same does not require any enhancement and sought to dismiss the appeal.

8. Having heard the rival submissions, perused the entire appeal paper as well as Trial Court record.

9. It is not in dispute that the claimant has suffered fracture of left tibia and undergone CRIF with IMIL nailing of left tibia under SA. The doctor who has



been examined has stated the limb disability as 34% and whole body disability at 17%. The income considered is as per the Chart prepared by the Karnataka State Legal Services Authority, for settling the disputes before the Lok-Adalat. In that view of the matter, this Court is of the considered opinion that instead of deliberating much on each head, if further global compensation of Rs.1,00,000/- is awarded along with interest @ 6% per annum, the same would meet the ends of justice. Accordingly, this Court proceeds to pass the following:

ORDER

- I. The appeal is allowed in part.
- II. The Judgment and Award dated 04.01.2023, passed by the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru, in MVC No.1286/2022, is modified and compensation is enhanced.
- III. The claimant is entitled for another global compensation of **Rs.1,00,000/-**, over and



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above Rs.4,18,436/- awarded by the Tribunal,
which shall carry interest @ 6% per annum
from the date of petition till realization.

IV. Respondent No.2 - Insurer shall deposit the
entire global compensation along with interest
supra before the concerned Tribunal, within six
weeks from the date of receipt of certified copy
of this order, before the concerned Tribunal.

V. Upon deposit, the entire amount shall be
released in favor of the claimant on proper
identification.

VI. Trial Court record secured, if any, shall be
transmitted to the Tribunal, forthwith.

VII. No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

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List No.: 1 Sl No.: 27
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