



CNR: KAHC010335602024

NC: 2026:KHC:37664
MFA No. 3961 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3961 OF 2024

(MV-I)

BETWEEN:

SMT. MANJULA
W/O LATE HANUMANTHAPPA
AGED ABOUT 56 YEARS
R/AT MEDARAKERI, 5TH CROSS
BEHIND AUTO STAND
VINOBA NAGARA
SHIVAMOGGA-577 201.

...APPELLANT

(BY SRI M V MAHESWARAPPA, ADVOCATE)

AND:

1. K.T. KIRAN SHENOY
S/O THRIVIKRAMA SHENOY
AGED ABOUT 49 YEARS
R/O NANDINI NILAYA
14TH CROSS, 60 FEET ROAD
VINOBA NAGARA
SHIVAMOGGA - 577 201.
2. K.R. NAGARAJA
S/O K RANGAPPA
AGED ABOUT 34 YEARS

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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R/O No. 131, BEHIND 100 FEET ROAD
RAJENDRA NAGARA
SHIVAMOGGA - 577 201.

3. THE BRANCH MANAGER
THE ORIENTAL INSURANCE COMPANY
VINAYAKA COMPLEX
1ST CROSS, GARDEN AREA
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI P B RAJU, ADVOCATE FOR R3
V/O DTD. 14.10.2024 NOTICE TO R1 & R2 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:10.04.2024
PASSED IN MVC No.146/2020 ON THE FILE OF THE I
ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MEMBER, MACT,
SHIVAMOGGA, C/c II ADDITIONAL SENIOR CIVIL JUDGE AND
JMFC AND MEMBER, AMACT, SHIVAMOGGA, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking
enhancement of the compensation awarded in the
judgment and award dated 10.04.2024 passed in MVC No.



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146/2020 by the II Additional Senior Civil Judge and Additional MACT, Shivamogga.

2. Appellant – claimant made a claim petition before the Tribunal praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 22.05.2019 contending that the accident occurred due to the rash and negligent driving by the driver of the car bearing registration No. KA-35-M-4927. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1.	Pain and suffering	Rs.50,000/-
2.	Loss of laid up period (14000 X 3 – 42000)	Rs.42,000/-
3.	Medical Expenditure	Rs.42,000/-
4.	Loss of Future Income	Rs. –NIL
5.	Towards diet and conveyance	Rs.20,000/-
6.	Loss of amenities	Rs.30,000/-



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7.	Loss of permanent physical imperiamment	Rs.25,000/-
	TOTAL	Rs.2,09,000/-

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 3 – Insurer to deposit the said award amount with interest. Claimant, seeking enhancement of the compensation awarded, has filed the present appeal.

4. Heard learned counsel for appellant - claimant and learned counsel for respondent No. 3 - Insurer.

5. Learned counsel for appellant would contend that the claimant had sustained 3 injuries and out of them 2 injuries were grievous in nature as noted in Ex.P.7 – wound certificate. Considering the same, compensation awarded by the Tribunal under the head ‘pain and suffering’ and ‘loss of amenities’ is on lower side. With



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this he prayed to allow the appeal and enhance the compensation awarded by the Tribunal.

6. Learned counsel appearing for respondent No. 3 – Insurer would contend that compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

8. Claimant had sustained the following injuries as per wound certificate - Ex.P.7:

- i) *Pain + local tenderness Rt. Shoulder difficult to touch opposite Shoulder*
- ii) *Inci over Respondent heel (ಹಿಂಬದಿ) 6 X ½ " + pain + swelling + local tenderness*
- iii) *Abrasion over limb over upper part of Abdomen*

9. Injury Nos. (i) and (ii) are opined to be grievous injuries and injury No. (iii) is simple injury.



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Considering the said injuries, the Tribunal has awarded compensation under the head 'pain and suffering' in a sum of Rs.50,000/-. Claimant had sustained fracture of right leg tibia and she had taken treatment as inpatient for 14 days. The Tribunal has also awarded compensation under the head 'loss of amenities' in a sum of Rs.30,000/- and 'loss of income during laid up period' for 3 months. Considering the injuries sustained and claimant being admitted in hospital for 14 days, compensation can be globally enhanced by Rs.25,000/- without any interest.

10. In view of the above, the following;

ORDER

- i) Claimant is entitled enhanced compensation of Rs.25,000/- without any interest.
- ii) Respondent No. 3 – Insurer shall deposit the enhanced compensation before the Tribunal within a period of six weeks from this day failing which it is liable to pay interest at the rate



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of 6% p.a. from this day till the date of
payment.

iii) Claimant is entitled to release of entire
enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 65
Ct.sm