



CNR: KAHC010344722025

NC: 2026:KHC:42345
MFA No. 3771 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3771 OF 2025
(MV-I)

BETWEEN:

BIBI HAJEERA NAZEER
W/O HUSSIA ALIA KHAN,
AGED ABOUT 48 YEARS,
R/AT HIG-5, HUDUCO MAIN ROAD,
BANNIMANTAP,
MYSURU - 570 015.

...APPELLANT

(BY SRI. SRENIVASAN M.Y., ADVOCATE)

AND:

1. THE PRINCIPAL
M/S NATIONAL INSTITUTE OF
ENGINEERING COLLEGE, MANDAVADI ROAD,
MYSURU - 570 008.

2. THE BRANCH MANAGER
TATA AIG GENERAL-INSURANCE CO. LTD.,
1ST FLOOR, SUNNY CENTRE,
NO.374, NEW KALIDASA ROAD,
VIJAY NAGAR 1ST STAGE,
MYSURU - 570 017.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATE 13.06.2025, NOTICE TO R1 IS
DISPENSED WITH)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:42345
MFA No. 3771 of 2025

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 28.01.2025 PASSED IN MVC NO.1027/2023 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 28.01.2025 passed in MVC No.1027/2023 by Judge, Additional Court of Small Causes and MACT, Mysuru.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.



CNR: KAHC010344722025

NC: 2026:KHC:42345
MFA No. 3771 of 2025

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 17.05.2023 contending that the accident occurred due to rash and negligent driving by the driver of Bus bearing registration No.KA-09-B-3564.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Damages for pain, suffering and Trauma as a consequence of the injuries	Rs. 2,00,000/-
2.	Loss of Amenities	Rs. 1,00,000/-
3.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs. 45,000/-
4.	Expenses relating to Treatment Hospitalization and Medication	Rs. 1,18,000/-
5.	Future medical expenses	Rs. 20,000/-
	Total	Rs. 4,83,000/-



CNR: KAHC010344722025

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the claimant has sustained fracture of right Tibia and Fibula and therefore, the disability to the right lower limb is to taken at 30% and to the whole body at 10%. Even though, the Doctor has stated that the claimant requires Rs.95,000/- towards surgery for removal of implants, the Tribunal has awarded only Rs.20,000/- towards future medical expenses.

8. Learned counsel for the appellant further contended that, the claimant has got reimbursement of



NC: 2026:KHC:42345
MFA No. 3771 of 2025

CNR: KAHC010344722025

her medical expenses to the extent of Rs.27,577/- and Rs.2,47,700/- and that has not been awarded by the Tribunal since the said reimbursement is under the Care Health Insurance Company policy. The said amount cannot be deducted in the medical expenses and the appellant/claimant is entitled to the said medical expenses. With these, he prayed to allow the appeal.

9. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded by the Tribunal is just and proper and the disability taken by the Tribunal is also proper as the disability to the whole body is taken at 5% even though the disability to the right lower limb is stated as 9% and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

10. Having heard the learned counsel for appellant and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.



CNR: KAHC010344722025

11. The claimant has sustained fracture of right Tibia and Fibula and P.W.2 - Doctor has assessed the disability at 9% to the right lower limb and the Tribunal has taken the disability to the whole body at 5%. The said disability taken by the Tribunal is just and proper. The Tribunal has awarded loss of amenities in a sum of Rs.1,00,000/-, attendant and miscellaneous charges in a sum of Rs.45,000/- and future medical expenses of Rs.20,000/-. The compensation awarded towards loss of amenities, attendant and miscellaneous charges are just and proper. As the claimant has to undergo one more surgery for removal of implants, the claimant is entitled to future medical expenses of Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

12. The Tribunal has deducted amount of reimbursement got by the claimant from the Care Health Insurance Company policy out of the medical expenses i.e., Rs.27,577/- and Rs.2,47,700/-. The said medical expenses reimbursement got by the claimant from the



NC: 2026:KHC:42345
MFA No. 3771 of 2025

CNR: KAHC010344722025

Care Health Insurance Company policy cannot be deducted as per the decision of the Hon'ble Apex Court in the case of ***NEW INDIA ASSURANCE COMPANY LIMITED vs. DOLLY SATISH GANDHI & ANR.*** reported in ***2026 INSC 498***. Therefore, the claimant is entitled to Rs.2,75,277/- (Rs.27,577/- + Rs.2,47,700/-) which has been deducted by the Tribunal in the medical expenses.

13. Considering all the above aspects, the claimant is entitled to enhanced compensation towards medical expenses in a sum of Rs.2,75,277/- and enhanced compensation towards future medical expenses in a sum of Rs.10,000/- with interest.

14. Consequently, the claimant is entitled to total enhanced compensation of Rs.2,85,277/- with interest at the rate of 6% per annum from the date of petition till realisation.

15. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.



NC: 2026:KHC:42345
MFA No. 3771 of 2025

CNR: KAHC010344722025

16. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.2,85,277/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is entitled to release of entire enhanced compensation.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE