



CNR: KAHC010351012026

NC: 2026:KHC:40611
MFA No. 3599 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3599 OF 2026

(MV-I)

BETWEEN:

MR MATHIALAGAN P
AGED ABOUT 65 YEARS
S/O. PALANISAMY
R/AT D.No.41, VELLAVIPUDUR POST
KOLATHUPALAYAM, DHARAPURAM
TIRUPUR, TAMIL NADU.
PIN-638 661.

...APPELLANT

(BY SMT. POOJA PARVATHY, ADVOCATE FOR
SRI G RAVISHANKAR SHASTRY, ADVOCATE)

AND:

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

1. ABDUL MALAR @ ABDUL MAJEED MALAR
AGED ABOUT 50 YEARS
S/O. LATE ABDUL KAREEM
R/AT D.No.3-9/9(1), 6TH FLOOR
SMART CITY, COMMERCIAL COMPLEX
PERMANNUR VILLAGE, UNIVERSITY ROAD
THOKKOTTU, MANGALURU TALUK
D.K.-575 017.
2. THE BRANCH MANAGER
HDFC ERGO GENERAL INSURANCE CO LTD.,
2ND FLOOR, ESSEL CENTRE



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M.G.ROAD, MANGALURU TALUK.
PIN-575 002.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 08.06.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:03.03.2026 PASSED IN MVC No.345/2019 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MEMBE, MACT, MANGALURU, DAKSHINA KANNADA, 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

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 03.03.2026 passed in MVC No. 345/2019 by the II Additional Senior Civil Judge and Member, MACT, Mangaluru, Dakshina Kannada.

2. Even though the matter is listed for `Admission` today, with the consent of the learned counsel appearing



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for the appellant and learned appearing for respondent No.
2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 29.11.2018 due to the rash and negligent driving by the driver of car bearing registration No. KA-19-ME-1749. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Pain and sufferings	Rs.25,000.00
2	Food, attendant and conveyance charges	Rs.9,000.00
3	Medical expenses	Rs.25,406.00
4	Loss of income during treatment period	Rs.25,000.00
5	Loss of future income due to disability	NIL
6	Loss of amenities of life	NIL
	Total	Rs.84,406.00

4. 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. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Learned counsel for appellant would contend that claimant had sustained 5 injuries as noted in Ex.P.3 – wound certificate. Claimant could not obtain disability certificate as the Doctor who had treated him had shifted to Bengaluru. Compensation awarded for ‘pain and suffering’ ‘food, attendant and conveyance charges’ ‘loss of income during laid up period’ are on lower side. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that compensation awarded under all the heads is just and proper and there are no grounds for enhancement of the compensation.

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



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8. Ex.P.3 is the wound certificate and as per the said wound certificate claimant had sustained the following injuries:

- i) SRH along Flax and tentorium
- ii) Fracture of lateral wall of maxillary sinus with hemobinus
- iii) Diffuse cerebral edema
- iv) Small intra parenchyman bleed in the right parietal region
- v) Laceration approximately 3 CM with soft tissue exposed above upper lip
- vi) Black discolourisation around ® eye
- vii) Hematoma above left eyebrow

9. Claimant was admitted in the hospital for 9 days. Occupation of the claimant is `Sales Executive and Helper' under on Mr. Divakar in Durgamba Bus Works. Considering the injuries, sustained, the period for which he



was admitted in the hospital and amount spent towards medical expenses, the compensation awarded by the Tribunal requires to be enhanced globally in a sum of Rs.30,000/- with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No.2 – Insurer is liable to pay the said compensation with interest.

10. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced global compensation of Rs.30,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.



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d) Appellant - claimant is entitled to release of entire
enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 SI No.: 50
Ct.sm