



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

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

**MISCELLANEOUS FIRST APPEAL NO. 6738 OF 2014 (MV)**

**BETWEEN:**

PAVANI  
D/O LATE GOPALA SHETTY  
AGED ABOUT TWO YEARS  
MINOR  
REPRESENTED BY HER GUARDIAN  
MOTHER SMT VANITHA SHETTY  
W/O LATE GOPALA SHETTY  
AGED ABOUT 28 YEARS  
R/O HEBBAGILUMANE  
BALKUR VILLAGE & POST  
KUNDAPURA TALUK-576219

...APPELLANT

(BY SRI. HAREESH BHANDARY T, ADVOCATE)

**AND:**

1. MR.SRIDHAR  
S/O RAJANNA  
AGED ABOUT 29 YEARS  
R/AT HANUMAIHA HOUSE  
BEHIND GOVT HIGH SCHOOL  
YANTAGANAHALLI POST  
NELAMANGALA TALUK  
BANGALORE RURAL DISTRICT-560109

Digitally  
signed by  
NIRMALA  
DEVI  
Location:  
HIGH  
COURT OF  
KARNATAKA



2. SRI UMESH GOWDA  
S/O LATE M R RANGAPPA  
AGED ABOUT 42 YEARS  
R/O SWAMY & SWAMY  
TOURS & TRAVELS  
VIDYA NAGAR  
SIRA TALUK  
TUMKUR DISTRICT-577202
3. THE BRANCH MANAGER  
THE IFFCO TOKIO GENERAL  
INS CO LTD  
IFFCO SADAN,  
C1 DISTRICT  
CENTER SAKET  
NEW DELHI-110017

...RESPONDENTS

(BY SRI.H.S. LINGARAJU, ADVOCATE FOR R3  
NOTICE TO R1 & R2 IS DISPENSED  
WITH V/O DTD 20.01.2015)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 21.08.2014 PASSED IN MVC  
NO.638/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE,  
MEMBER, ADDITIONAL MACT, KUNDAPURA, 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 C.M. POONACHA



### **ORAL JUDGMENT**

1. The above appeal is filed by the claimant represented by her natural guardian - mother under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 21.08.2014 passed in MVC No.638/2013 by the Senior Civil Judge and Additional MACT., Kundapura<sup>1</sup>, wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹1,03,970/- together with interest at 6% p.a. Being aggrieved, the present appeal is filed by the claimant seeking for enhancement of compensation.
2. The findings of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only aspect that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded.
3. Heard the submissions of Sri Hareesh Bhandary T., learned counsel for the appellant/claimant and Sri H.S.Lingaraju, learned counsel appearing for respondent No.3-insurer.

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<sup>1</sup> Hereinafter referred to as 'Tribunal'



4. It is forthcoming that the injured was a one year old child as on the date of the accident i.e., as on 14.03.2013. The claim petition was filed by the mother of the injured as a guardian of the child. The child was treated as an inpatient from 14.03.2013 to 20.03.2013 i.e., for a period of seven days. The child sustained fracture of left clavicle and other simple injuries. The Doctor was not examined. The Tribunal awarded compensation as under:

| Sl.No. | Heads                            | Amount awarded by the Tribunal (₹) |
|--------|----------------------------------|------------------------------------|
| 1.     | Pain and agony                   | 35,000.00                          |
| 2.     | Medical expenses                 | 30,970.00                          |
| 3.     | Food and nourishment             | 4,000.00                           |
| 4.     | Conveyance and attendant charges | 4,000.00                           |
| 5      | Loss of amenities                | 30,000.00                          |
|        | <b>Total</b>                     | <b>1,03,970.00</b>                 |

5. It is clear that the compensation towards food and nourishment and conveyance charges are on the lower side. The compensation towards pain and agony is also on the lower side.



6. In the aforesaid factual matrix, interest of justice would be met if a lump sum compensation of ₹30,000/- is awarded in addition to the compensation awarded by the Tribunal.

7. It is noticed that the Tribunal has awarded interest at 6% p.a. However, taking judicial notice of the interest payable towards fixed deposits, it is just and proper to award interest at the rate of 7% p.a., on the compensation as re-assessed by this Court.

8. In view of the aforementioned, the following:

- i) The above appeal is partly allowed;
- ii) The judgment and award dated 21.08.2014 passed in MVC.No.638/2013 by the Senior Civil Judge and Addl. MACT., Kundapura is hereby modified only to the extent of directing that the claimant shall be entitled to a further compensation of ₹30,000/- together with interest at 7% p.a., from the date of petition till date of payment in addition to the compensation awarded by the Tribunal. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) Respondent No.3 - Insurance Company shall deposit the enhanced compensation together with accrued interest within a period of six weeks;



iv) After deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;

v) The Registry to draw the modified award accordingly;

vi) Records be transmitted to the Tribunal forthwith;

No costs.

Pending interlocutory applications are also disposed of.

**Sd/-**  
**(C.M. POONACHA)**  
**JUDGE**

BS  
List No.: 1 Sl No.: 25