



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 6340 OF 2022 (MV-I)

BETWEEN:

1. BASAPPA
S/O MUDLAPPA
AGED ABOUT 51 YEARS,
R/AT JANAKAL VILLAGE
RAMALINGAPURA POST,
BUKKAPATNA HOBLI,
SIRA TALUK
NOW RESIDING AT
NEAR VENKATESHWARA TEMPLE
MADHUGIRI ROAD, SIRA GATE
TUMAKURU CITY-572106

...APPELLANT

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. M D MOHAN
S/O M S DODDARANGAPPA
AGED ABOUT 32 YEARS,
R/AT MADENAHALLI VILLAGE,
BUKKAPATNA HOBLI,
SIRA TALUK-572137



2. Cholamandalam MS General Ins. Co.Ltd.,
BY ITS MANAGER
BRANCH OFFICE
UNIT NO.4, 9TH FLOOR,
LEVAL-06 GOLDEN HEIGHTS COMPLEX
59TH 'C' CROSS, RAJAJINAGAR
BENGALURU-560010

...RESPONDENTS

(BY SRI. PRADEEP B, ADVOCATE FOR C/R 2;
V/O DTD. 21.08.2023 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.22.04.2022 PASSED IN MVC
NO.543/2021 ON THE FILE OF THE VI ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TUMAKURU, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal has been filed impugning the judgment
and award dated 22.04.2022 passed by the Court of VI



Additional District and Sessions Judge at Tumakuru in MVC No. 543/2021.

2. The learned counsel for the appellant has submitted that the doctor - PW.2, who issued the disability certificate of the claimant has assessed the disability at 75% on whole body due to compression of T12 and L1 as per the wound certificate EX.P.5. However, the Tribunal has considered the disability at 30% for calculation of loss of future earning. The submission of the learned counsel for the appellant is that the Tribunal has grossly erred in assessing the disability only upto 30% and not the 100% or at least 75% as per the wound certificate. We have examined the diagnosis sheet which has been produced before us. It was not part of the record before the Tribunal. The diagnosis certificate would suggest " post fracture paraperises with courage at both knees ".

3. The learned counsel for the appellant vehemently submitted that the disability should have been assessed at 100% in view of the aforesaid certificate. To test this argument, as the certificates that have been produced before us were not part of



the trial Court record with the consent of the counsels of both sides to assess the percentage of disability suffered by the appellant in the accident in question, we passed the following order on 26.11.2025.

" Sri Shantharaj K.,learned counsel for the appellant submits that the appellant has suffered 100% disability in the motor vehicle accident in question. He also submits that the appellant may be examined to assess his permanent physical and functional disabilities by a panel of Doctors for awarding fair and just compensation.

2. Sri B. Pradeep, learned counsel for respondent No.2 does not have any objection to such a suggestion.

3. Considering the aforesaid facts and circumstances of the case, we direct the Superintendent of District Hospital, Tumkur, to constitute a Medical Board of Doctors consisting of an Orthopedic Surgeon, Neuro Surgeon/ Neurologist and a physician. The Superintendent of the District Hospital, Tumkur may associate any other expert doctor, if he thinks so.

4. The appellant-Sri.Basappa to appear before the Medical Board on 01.12.2025 at 11.00 a.m. for examination of his physical and functional disabilities. The Medical Board shall examine the appellant and issue a certificate assessing his permanent physical and functional disabilities.

5. Sri M.N. Sudev Hegde, learned AGA to communicate this order for necessary compliance and after obtaining the certificate, to MFA NO. 6340/2022 (MV - I)submit the same before this Court in a sealed cover.

Post this appeal on 08.12.2025."

4. Mr. Sudev Hegde, learned Additional Government Advocate has informed this Court today that despite the direction



issued by this Court, the appellant did not appear before the Medical Board constituted as per the direction of this Court dated 26.11.2021.

5. Considering the aforesaid fact that despite having consented the appellant did not cooperate for examination by a Medical Board to assess his disability allegedly suffered in the accident in question, we do not find any ground to interfere with the impugned award. Accordingly, the appeal is dismissed.

Digitally signed by DINESH
KUMAR SINGH
Location: High COURT OF
KARNATAKA

(D K SINGH)

JUDGE

Digitally signed by TARA
VITASTA GANJU
Location: High COURT OF
KARNATAKA

(TARA VITASTA GANJU)

JUDGE

YKL

List No.: 1 Sl No.: 13