



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 7922 OF 2014 (MV-I)

BETWEEN:

SRI MALLIKARJUNASWAMY B.S.,
S/O LATE SIDAPPA
AGED 51 YEARS
R/O BELAKAVADI VILLAGE
B G PURA HOBLI
MALAVALLI TALUK-571 433.

...APPELLANT

(BY SMT. B.L. ASHA, ADVOCATE FOR
SRI. G M ANANDA., ADVOCATE)

AND:

1. CHANNAIAH T C
S/O CHIKKAHANUMAIAH
R/O TALAGAVADI VILLAGE
MALAVALLI TALUK-571 433.
2. THE DIVISIONAL MANAGER
ORIENTAL INSURANCE COMPANY LIMITED
NEW MUSLIM HOSTEL COMPLEX
SARASWATHIPURAM MAIN ROAD
MYSORE-571 408.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2,
V/O DTD:15.10.2025 NOTICE TO R1 IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 30.08.2014 PASSED IN MVC
NO.156/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MACT, AT MALAVALLI, PARTLY ALLOWING THE CLAIM PETITION

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under
Section 173(1) of Motor Vehicle

s Act, 1988 challenging the judgment and award
dated 30.08.2014 passed in MVC No.156/2014 on the file
of the Senior Civil Judge and MACT at Malavalli, for
enhancing the compensation.

2. Heard the arguments of the learned counsel for
the appellant and learned counsel for respondent No.2.
The ranks of the parties are retained as per tribunal for
the sake of convenience.

3. Injured claimant met with an accident on
25.11.2013 and filed claim petition claiming compensation
of Rs.19,12,000/-. The Tribunal considering the entire



evidence on record granted an amount of Rs.1,10,000/- along with interest at the rate of 6% p.a. from the date of petition till realisation.

4. Aggrieved by the said order, petitioner preferred an appeal and mainly contended that the tribunal granted meager amounts under other heads and also granted inadequate compensation and thus requested for enhancement of the compensation. It is further stated that the tribunal wrongfully fixed the liability on the owner of the vehicle without considering the other material in a proper perspective. Further, it is stated that the petitioner was aged, 51 years and was working as a Village Accountant and getting a salary of Rs.21,000/- per month. He produced the pay slip for the month of December 2013 and his net salary was Rs.16,784/- per month and gross salary of Rs.22,163 per month. He has not examined the doctor.

5. Learned counsel for respondent stated that the petitioner continued his occupation even after sustaining



injuries in the accident. Hence he is not entitled for future loss of earning.

6. The petitioner filed discharge summary under Ex.P49 and he sustained the following injuries, (1) Forehead reconstitution/eye lid repair (2) Dermaabrasion and Kollegen dressing, (3) Orif with K-wire right distal radius and (4) Wound debridement right wrist. Further, he was admitted in the hospital for a period of 45 days. However petitioner has not examined the doctor. And thus, no disability was assessed. Considering the nature of injuries, period of hospitalisation and other relevant factors, this Court finds that it is just and reasonable to grant an amount of **Rs.40,000/-** for pain and suffering, **Rs.20,000/-** for loss of amenities, and **Rs.30,000/-** for transportation, extra nourishment and attendant charges. Tribunal granted **Rs.25,000/-** towards operations and **Rs.9,066/-** towards medical expenses and the said amounts are confirmed. The tribunal also granted **Rs.10,000/-** for future medical



expenses and it is confirmed. The petitioner stated that he was admitted in the hospital for a period of 30 days as per discharge summary and petitioner was getting a salary of Rs.22,000/- and therefore petitioner is entitled for an amount of **Rs.22,000/-** towards loss of income during treatment period.

7. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Pain and suffering	40,000
2	Loss of amenities	20,000
3	Transportation, extra nourishment and attendant charges.	30,000
4	Loss of income during treatment period	22,000
5	Operation expenses	25,000
6	Future medical expenses	10,000
7	Medical expenses	9,066
	Total	1,56,066



Hence, the compensation granted by tribunal is enhanced from Rs.1,10,000/- to **Rs.1,56,066/-** along with interest at the rate of 6% p.a.

8. The Tribunal had exonerated the Insurance Company and directed respondent No.1/owner of the vehicle to deposit the amount. Learned counsel for the appellant relied upon a citation in ***SLP (Civil) No.2135 of 2023*** in case of ***The Royal Sundaram Alliance Insurance Company Ltd., Vs Smt. Honnamma and Ors.,*** in which the Tribunal had held that the tractor was insured but the trailer was not insured. But in this case the Supreme Court held that even if tractor is not insured Insurance Company is liable to pay the compensation. Therefore, this Court finds it is just and reasonable to fasten the liability on the Insurance Company. In the result, the following order is passed:

ORDER

- i. Appeal is ***allowed*** in part.



- ii. The judgment and award dated 30.08.2014 passed in MVC No.156/2014 on the file of the Senior Civil Judge and MACT at Malavalli, is modified.
- iii. The claimant is entitled to a sum of Rs.1,56,066/- along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.1,10,000/- granted by the tribunal.
- iv. Respondent/Insurance Company is directed to deposit the compensation of **Rs.1,56,066/-** along with the interest at the rate of 6% within one month from the date of this order and are at liberty to recover the same from the respondent No.1/owner of the vehicle by due process of law.



- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. On 05.02.2021, the delay of 1186 days is condoned by this Court on the condition that the claimant will not be entitled for the interest in case of enhancement. Hence, Insurance Company is not liable to pay the interest for the delayed period.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 36