



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 7233 OF 2017 (MV-I)

BETWEEN:

RENUKAMMA,
W/O JAYADEVACHARI,
AGED ABOUT 52 YEARS,
HOTEL WORK,
R/O YALLAPURA VATARA,
BASAPURA, DAVANAGERE TOWN-577 001.

...APPELLANT

(BY SRI R SHASHIDHARA, ADVOCATE)

AND:

1. FAKKIR SAB @ FAKKIR SAB KOPPAL,
S/O MOHAMMED MARDANI KOPPAL,
AGED ABOUT 44 YEARS, DRIVER OF BUS
BEARING NO.KA-17/F-1389, BILL NO.3478,
R/O VEENA PANI SCHOOL ROAD,
3RD CROSS, ANJANEYA EXTENSION,
NITUVALLI, DAVANAGERE-577 001.
2. THE DIVISIONAL CONTROLLER OFFICER,
KSRTC DAVANAGERE DIVISION,
DAVANAGERE-577 001.
3. THE CHAIRMAN,
KSRTC INTERNAL SECURITY FUND,
SARIGE BHAVAN, SHANTHINAGAR,
K.H.ROAD, BENGALURU-560 027.

...RESPONDENTS

(BY SRI M ASHOK KUMAR, ADVOCATE FOR R-3;
V/O DATED 07.02.2020 NOTICE TO R-1 & R-2 IS



DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 4.04.2017 PASSED IN MVC NO.873/2015 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE, AND VIII MACT, DAVANGERE. PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard the learned counsel appearing for the appellant and respondent No.3.

2. The short point that arise for consideration in this appeal is 'whether the compensation awarded by the Tribunal deserves to be enhanced?'

3. Being aggrieved by the judgment of the Tribunal in MVC.No.873/2015 dated 04.04.2017, the petitioner is before this Court in appeal.

4. The fact that there was an accident involving the vehicle driven by respondent No.1 and owned by



respondent No.2-Corporation is not in dispute. The accident occurred while the petitioner was crossing the road at Vishweshwarayya Park. The petitioner had sustained laceration over the cheek and eyelash, abrasion below the nose and contusion of the right eye. It was noticed that there was fracture of sphenoid bone and she was shifted to Chigateri Hospital, Davanagere. The Tribunal after assessing the evidence placed on record, awarded a compensation of Rs.50,000/- to the petitioner.

5. Being aggrieved about the quantum of the compensation amount, the petitioner is before this Court in appeal.

6. The learned counsel appearing for the appellant would submit that PW.2-the doctor who treated the petitioner, has stated that there is 16% disability to the petitioner and she is unable to do her daily activity and there is headache. He submits that the compensation of Rs.50,000/- would not be adequate in terms of the



difficulties stated by her as well as through PW.2. Therefore, he seeks enhancement of the compensation.

7. *Per contra*, learned counsel appearing for the respondent No.3 submits and points out that except the wound certificate and the disability certificate issued by PW.2, there is nothing on record to show about the nature of the injuries sustained, the period of treatment undergone by the petitioner and the nature of the treatment given to her. He submits that the hospital records, including discharge summary which would have depicted the period of inpatient treatment at Chigateri Hospital are not produced by the petitioner. He also points out that the medical bills are also not produced and therefore, it is very difficult to accept the disability stated by PW.2. Moreover, he points out that the disability do not affect the functionality of the petitioner and therefore, the compensation awarded by the Tribunal is adequate and no enhancement is permissible.



8. A careful perusal of the records would reveal that immediately after the accident, the petitioner went to the Chigateri Hospital at Davangare and the wound certificate issued by the Chigateri Hospital, Davanagere (Ex.P4) would indicate that the petitioner had sustained the injuries mentioned above and X-ray of the orbit was taken, which showed fracture of lateral wall of the orbit i.e., the sphenoid. It appears that the petitioner was treated conservatively and this record do not mention the period of inpatient treatment. Apart from Ex.P4, it is only an X-ray film, which has been produced by the petitioner and no medical records or bills or discharge summary are produced. Therefore, it is difficult to accept the contention of the appellant that the petitioner had taken any inpatient treatment at Chigateri Hospital or any other hospital.

9. The testimony of PW.2 shows that the petitioner was treated at Government Hospital, Davangere and then at Bapuji Dental Hospital, Davangere. He says that there is mal-united sphenoid bone at the orbital wall and since the



petitioner stated that she has difficulty in doing her daily activity and that there is headache, he has given the disability certificate as per Ex.P8 mentioning the disability to be 16%. It is not known to which aspect the disability of 16% is attributable. Either the testimony of PW.2 or the Ex.P8 do not mention, to which difficulty or inability of the petitioner, the said disability relates to. Therefore, it is not possible for this Court also to say that there is any functional disability to the petitioner. In the testimony of PW.1, she states various difficulties, but these difficulties are not stated by PW.2. With this kind of evidence available on record, the Tribunal while deciding Issue No.2 comes to the conclusion that the claim of Rs.80,000/- towards 'medical expenses' has not been substantiated by the petitioner, it would be proper to award a global compensation of Rs.50,000/-. It may be noted that to enhance the compensation amount, there is no material available on record. The injuries sustained by the petitioner would indicate that there was one fracture and



there being no medical bills, no inpatient record, it appears that she only took out-patient treatment at the Chigateri Hospital and went home. Therefore, the compensation awarded by the Tribunal at Rs.50,000/- as a global compensation appears to be proper and correct and no interference is required in the same. Had the petitioner produced sufficient material, at least to show the nature of the treatment undergone by her and for how many days she was inpatient, this Court would have appreciated in the claim of the petitioner that she is entitled for higher compensation.

10. In the absence of such material, the appeal is bereft of any merits. Hence, the appeal is dismissed.

Sd/-
(C M JOSHI)
JUDGE