



CNR: KAHC010442492016

NC: 2026:KHC:49019
MFA No. 7603 of 2016
C/W MFA No. 316 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.7603 OF 2016(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.316 OF 2017(MV-I)

IN MFA NO.7603/2016:

BETWEEN:

REGIONAL MANAGER
NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE,
SUBHARAM COMPLEX,
144, M G ROAD,
BANGALORE - 560 001.
POLICY ISSUED BY ITS
BRANCH OFFICE, I FLOOR,
RAMACHANDRA BUILDING,
73, SAMPIGE ROAD,
MALLESHWARAM, BENGALURU - 3.

...APPELLANT

(BY SRI A N KRISHNA SWAMY, ADVOCATE)

AND:

1. T K LAKSHMAN
S/O LATE KRISHNA T L
NOW AGED ABOUT 34 YEARS,
R/AT NO. 114/1,
PUTTANJANEYAPPA LAYOUT,
5TH CROSS, DESHBANDHU NAGAR,
VIDYARANYAPURA POST,
BANGALORE NORTH - 560 097.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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2. RAVISH K V
S/O VEERANNA, MAJOR,
R/AT NO.48 AND NEAR 49
TO KRISHNA GREENS,
DESHABANDHU NAGAR,
D B SANDRA, VIDYARANYAPURA,
BANGALORE - 560 097.

...RESPONDENTS

(BY SRI SHIRPAD V SHASTRI, ADVOCATE FOR R1;
VIDE COURT ORDER DTD 26.09.2025 NOTICE TO R2 IS H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.6.2016 PASSED IN MVC
NO.3829/2014 ON THE FILE OF THE 9TH ADDITIONAL SMALL
CAUSES JUDGE, 34TH ACMM, COURT OF SMALL CAUSES,
MEMBER, MACT-7, BENGALURU, AWARDED A COMPENSATION
OF RS.4,05,525/- WITH INTEREST @ 8% P.A (EXCLUDING
FUTURE MEDICAL EXPENSES OF RUPEES 20,000/-) FROM THE
DATE OF THE PETITION TILL THE DATE OF PAYMENT.

IN MFA NO.316/2017:

BETWEEN:

SRI T K LAKSHMAN
S/O LATE KRISHNA T L
AGED ABOUT 35 YEARS,
R/AT NO. 114/1,
PUTTANJANEYAPPA LAYOUT,
5TH CROSS,
DESHBANDHU NAGAR,
VIDYARANYAPURA POST,
BANGALORE NORTH - 560 097.

...APPELLANT

(BY SRI SHIRPAD V SHASTRI, ADVOCATE)



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AND:

1. NATIONAL INSURANCE CO. LTD.,
144, SUBHARAM COMPLEX,
2ND FLOOR, M G ROAD,
BANGALORE - 560 001.
POLICY ISSUED BY ITS
BRANCH OFFICE AT
BANGALORE - 03.
(POLICY NO.603901131146265001143,
DATE OF VALIDITY FROM
09.07.2014 TO 08.07.2015).
2. RAVISH K V.,
S/O VEERANNA, MAJOR,
R/AT NO.48 AND NEAR 49
TO KRISHNA GREENS,
DESHABANDHU NAGAR,
D B SANDRA, VIDYARANYAPURA,
BANGALORE - 560 097.

...RESPONDENTS

(BY SRI A N KRISHNA SWAMY, ADVOCATE FOR R1;
VIDE COURT ORDER DTD 26.09.2025 NOTICE TO R2 IS H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.6.2016 PASSED IN MVC
NO.3829/2014 ON THE FILE OF THE 9TH ADDITIONAL SMALL
CAUSES JUDGE, XXXIV ACMM, MEMBER, MACT-7, COURT OF
SMALL CAUSES, BENGALURU, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THESE APPEALS, COMING ON FOR *ADMISSION*, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL JUDGMENT

Challenging judgment and award dated 10.06.2016 passed by IX Additional Small Causes and Additional MACT, Bangalore, (SCCH-7) (**'Tribunal'**) in MVC no.3829/2014, these appeals are filed.

2. MFA no.7603/2016 is filed by insurer, while MFA no.316/2017 is filed by claimant for enhancement of compensation.

3. Brief facts leading to these appeals, as stated, are that at 6:30 a.m. on 20.07.2014 when claimant TK Lakshman was riding motorcycle no.KA-04/EP-6359, rider of another motorcycle no.KA-04/HN-7161 rode it in rash and negligent manner dashed against claimant's motorcycle causing accident. In said accident, claimant sustained grievous injuries and despite treatment at Kethams Hospital and Baptist Hospital, Bangalore, he did not recover fully and sustained permanent disability. Claiming compensation, he filed MVC no.3829/2014 against owner and insurer of motorcycle no.KA-04/HN-7161 under Section 166 of Motor Vehicles Act, 1988 (**'MV Act'**).



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4. On appearance, claim petition was opposed on all grounds including denying age, occupation, income and disability as well as alleging violation of terms and conditions of policy.

5. Based on pleadings, Tribunal framed following:

ISSUES

- 1. Whether the petitioner proves that the accident occurred due to rash and negligent riding of the motorcycle bearing registration no.KA-04-HN-7161 by its rider and in the said accident, he sustained injuries?*
- 2. Whether the petitioner is entitled for compensation and damages? If so, how much and from whom?*
- 3. What Order?*

6. To discharge burden, claimant examined himself and two others including Dr.N.Chaitanya Babu – Dentist as PWs.1 to 3 and got marked Exs.P1 to P17. In rebuttal, insurer examined its official as RW.1 and got marked Exs.R1 to R4.

7. On consideration, Tribunal answered issue no.1 in affirmative; issue no.2 partly in affirmative and issue no.3 by assessing compensation of Rs.4,05,525/- with interest rate 8%



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per annum and holding respondent no.1 - insurer liable to pay same. Aggrieved thereby, these appeals are filed.

8. Sri A.N. Krishna Swamy, learned counsel for appellant - insurer in MFA no.7603/2016 submitted that in respect of very same accident, another claim petition in MVC no.4826/2014 was filed by one Siddhesha (pillion rider) alleging actionable negligence on part of rider of motorcycle no.KA-04/HN-7161. On contest, said claim petition came to be dismissed by holding that claimant had failed to substantiate accident. It was submitted that said finding having attained finality would conflict with finding in instant case and therefore, award was required to be set aside. On quantum, it was submitted that Tribunal erred in assessing 10% loss of earning capacity, awarding Rs.20,000/- towards future medical expenses and granting higher rate of interest @ 8% per annum. On said grounds sought for allowing appeal.

9. Opposing insurer's appeal as well as seeking for enhancement of compensation, Sri Shripad V Shastri, learned counsel for claimant submitted that insurer had not produced judgment in MVC no.4826/2014 sought to be relied upon either



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before Tribunal or before this Court. It was submitted that dismissal of claim petition of another injured on ground of failure to substantiate accident would not bind claimant herein as claimant had produced sufficient material to substantiate accident as well as about injuries sustained therein. On quantum, it was submitted that as on date of accident, claimant was 32 years of age and earning Rs.10,000/- per month as Priest. Claimant had sustained fracture of right condylar, parasymphysis fracture mandible and right distal radius.

10. To substantiate disability/loss of earning capacity, claimant had examined Dr.N.Chaitanya Babu – Dentist as PW.3, who had deposed about claimant sustaining 50% loss of chewing power leading to 30% facial disability. When same was considered in light of avocation, assessment of 10% disability would be on lower side and sought for enhancement. It was submitted that compensation awarded towards pain and suffering/loss of amenities would be on lower side and sought enhancement.



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11. Heard learned counsel, perused impugned judgment, award and record.

12. In view of above, points that arise for considerations are:

1. *"Whether impugned award would be sustainable in view of dismissal of another claim petition in MVC no.4826/2014 in respect of same accident?"*
2. *Whether assessment of compensation by Tribunal calls for modification?"*

Point no.1:

13. Though contention is urged that in another claim petition arising out of same accident, but by some other injured claimant, Tribunal therein dismissed claim petition on ground of failure to prove accident, perusal of Trial Court Records do not indicate that copy of said award was produced. Even before this Court, award in said case is not produced. In any case, finding in said claim petition would be *intra-parte* and would not bind other injured in separate claim.

14. Besides it is seen that to substantiate occurrence of accident and claimant sustaining injuries therein, claimant has produced copies of FIR, complaint, spot hand sketch, spot



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panchanama, motor vehicle inspector's report, wound certificate, charge sheet, discharge summaries, medical bills, photographs, treatment records, X-ray films, case sheet etc. marked as Exs.P1 to P17. There is consistent reference to claimant, vehicle involved and accident in question. Therefore, finding of Tribunal based on such material cannot be stated to be contrary to record, calling for interference. Point no.1 is therefore, answered in affirmative.

Point no.2:

15. There is no denial or dispute about age, occupation and income of claimant. While passing impugned award, Tribunal has referred to assessment of disability by PW.3 - Dentist, who assessed 30% disability to face. Whether same would result in whole body disability/loss of earning capacity and 10% would require examination. Though, claimant has sustained fracture of right condylar, parasymphysis fracture mandible and right distal radius, he has not examined orthopedician. Assessment of disability by PW.3 is only to face. Therefore, assessment of disability would appear slightly on higher side. However, taking note of fact that future prospects have not been considered and avocation of claimant is as a



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Priest, assessment of disability at 10% by Tribunal on overall consideration appears to be just and proper in facts and circumstances of case. Therefore, same would not call for warrant interference.

16. Even insofar as monthly income, though claimant has not produced any specific material, notional income for year 2014 is Rs.8,500/-. Assessment of monthly income at Rs.10,000/- though would appear excessive once again considering future prospects, assessment of monthly income at Rs.10,000/- by Tribunal would be justified. Consequently, assessment of compensation towards future loss of income and loss of income during laid up period would not warrant interference. It is further noted that compensation awarded towards medical expenses is in reimbursement of complete medical bills produced. Therefore, same would also not warrant interference. There is material to substantiate need for future treatment. Therefore, award of Rs.20,000/- towards future medical expenses would be justified. Compensation of Rs.3,000/- awarded towards conveyance, attendance, food, nourishment and diet each. Taking note of duration of inpatient treatment of 10 days would also appear justified.



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17. As noted above, claimant has sustained fracture of right condylar, parasymphysis fracture mandible and right distal radius. None of them are fractures of structural bones. Therefore, award of Rs.10,000/- to each of fractures i.e. Rs.30,000/- in total would be justified. Consequently, award of Rs.20,000/- towards loss of amenities also cannot be stated to be grossly excessive or insufficient. Therefore, same is also confirmed. In view of above, point no.2 is answered in negative.

18. Hence, following:

ORDER

- i. MFA no.316/2017 filed by claimant is ***dismissed***.
- ii. MFA no.7603/2016 filed by insurer is also ***dismissed***.
- iii. Amount in deposit in MFA no.7603/2016 is ordered to be transmitted to Tribunal for disbursal.
- iv. Balance amount, if any, is directed to deposit before Tribunal within six weeks.



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- v. On deposit, Tribunal is directed to release same in favour of claimant by electronic means.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD

List No.: 1 Sl No.: 14