



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 8381 OF 2019 (MV-I)

BETWEEN:

MR. RAGHAVENDRA SHIVAPPA
JAGANADABHAVI @ RAGHAVENDRA,
S/O. SHIVAPPA,
AGED ABOUT 22 YEARS,
RESIDING AT CHAVANABHAVI,
HULAGVAI, BIJAPUR,
KARNATAKA - 586 124.

...APPELLANT

(BY SMT. POOJA, ADVOCATE FOR
SRI. RAVISHANKAR SHASTRY G, ADVOCATE)

AND:

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

1. MR. AHAMMED. K. S.
S/O. SEYYED MUKRI,
AGED ABOUT 32 YEARS,
RESIDING AT THOUHEED MANZIL,
NEAR KHILAR MASJID, NEKRAJE POST,
KASARAGOD - 671 543.
2. THE DIVISIONAL MANAGER
NEW INDIA ASSURANCE CO. LTD.,
BALMATTA BRANCH, 3RD FLOOR,
ESSEL CHAMBERS, KARANGALPADY,
MANGALURU, D.K. DISTRICT - 575 003.



3. NEELAPPA B PATIL
C/O. SURESH KUMAR, MAJOR,
OPP: SAMAJABHAVAN, KOTIMURA,
SARIPALLA ROAD, SILVERGATE,
KULSHEKAR, MANGALURU,
D.K. DISTRICT - 575 003.
4. THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO. LTD.,
PANAMBUR BRANCH, ANAND BUILDING,
1ST FLOOR, MAIN ROAD,
KULAL POST, MANGALURU,
D.K. DISTRICT - 575 019.

...RESPONDENTS

(BY SMT. LATA PRASAD, DVOCAATE FOR R2;
VIDE ORDER DATED 08.03.2022, NOTICE TO R1, R3 AND
R4 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED. 29/03/2019, PASSED IN MVC
NO.324/2017, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND MACT, MANGALURU, D.K., 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 DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Being aggrieved by the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Mangaluru-Dakshina Kannada, through orders in MVC No. 324/2017 dated 29.03.2019, the claimant therein preferred this appeal.

2. Heard Ms. Pooja, who represents Sri.Ravishankar Shastri G learned counsel for the appellant as well as Ms.Lata Prasad learned counsel for respondent No.2.

3. Learned counsel for the appellant submits that the appellant was aged around 20 years as on the date of accident. He was a nursing student studying at Bellary. He was also doing part time work and thereby he was earning Rs.5,000/- per month. While the appellant was going on a two wheeler as a pillion rider to attend the physical ability test which was being conducted for the post of police constable, he met with an accident and sustained grievous injuries. Appellant was a sports person and thus he could have been chosen in the sports quota had he attended the physical test. The injuries sustained left the appellant with permanent physical disability. But without



considering these aspects, tribunal awarded very meager sum as compensation and therefore this appeal is filed. Learned counsel thereby seeks to enhance the sum that was awarded by the tribunal as compensation.

4. *Per contra*, learned counsel for respondent No.2 states that no material whatsoever was produced by the appellant in proof of his version that he was proceeding to attend physical ability test and that he was a sports person. Also appellant failed to examine any person to establish the aspect of disability. Taking into consideration these facts, tribunal held that appellant is entitled to the sum of Rs.88,024/- as compensation and thus the appeal is devoid of merits.

5. The contents of Exhibit P7 copy of wound certificate reveals that the appellant sustained abrasion over right ankle which is simple in nature and he also sustained fracture of shafts of both tibia and fibula which is grievous in nature. There is also a mention that appellant underwent a surgery and intramedullary nailing was done. However, as rightly contented by learned counsel for respondent No.2, appellant failed to establish the aspect of disability. He also failed to establish that



he was a sports person by the date of accident and that he was proceeding to attend a physical ability test which was being conducted for selection to the post of police constable.

6. The version of the appellant is that he was an nursing student at Bellary and he was also attending part time work. What type of work he was attending, at which place he was attending, the details of his employer and the timings of such work is not mentioned anywhere. Equally no evidence was produced in proof of his version about his part time employment.

7. Tribunal held that appellant is entitled to a sum of Rs.75,424/- towards medical expenses, a sum of Rs.5,100/- for conveyance, nourishment and attendant charges and Rs.7,500/- for the pain and suffering. Thus, Tribunal held that the appellant is entitled to a sum of Rs.88,024/- as compensation. But taking into consideration the fact that appellant sustained one grievous injury for which a surgery was also held and a simple injury, this Court is of the view that compensation granted for pain and suffering is on lower side. Likewise compensation granted for the nourishment,



conveyance and attendant charges is also on lower side. Also this Court is of the view that the appellant is entitled to a sum of Rs.5,000/- towards loss of amenities in life. Hence, the justifiable sum which the appellant is entitled to receive under each head is as under:-

Heads	Amount in Rs.
Compensation for pain and suffering	30,000
Medical expenses	75,424
Towards food, extra nourishment, conveyance and attendant charges	10,000
Loss of amenities	5,000
Total	1,20,424

8. Thus, it is clear that the appellant is entitled to a sum of Rs.1,20,424/- as compensation. Therefore the appeal is disposed of with the following:-

ORDER

- i. The appeal is allowed in part.
- ii. Compensation that is granted by the Motor Accident Claims Tribunal, Mangalore, Dakshina Kannada through orders in MVC No.324/2017



dated 29.03.2019 is enhanced from Rs.88,024/-
to Rs.1,20,424/-.

- iii. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- iv. Respondent No.2 is directed to deposit the enhanced sum within a period of 8 weeks from the date of receipt of certified copy of this judgment.
- v. On such deposit appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 9