



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.6791 OF 2018(MV-I)

BETWEEN:

SRI. RAVI KUMAR B.,
S/O. BAILAPPA,
AGED ABOUT 42 YEARS,
RESIDING AT NO. 13B,
1ST MAIN ROAD,
NANJUNDESHWARA NAGARA,
NANDINI LAYOUT,
BANGALORE, PIN-560 096.

...APPELLANT

(BY SRI. MANOJ M., ADVOCATE FOR
SRI. A. NAGARAJAPPA, ADVOCATE)

AND:

1. SRI. SANTHOSH V. C.
S/O. CHIKKEGOWDA,
AGED ABOUT 33 YEARS,
RESIDING AT 2ND MAIN ROAD,
3RD CROSS, VIJAYA BANK COLONY,
BEHIND B. G. ROAD,
BANGALORE, PIN-560 076.
2. SRI. MOINUDDIN
S/O. SHAFIRRUDDIN,
AGED ABOUT 47 YEARS,

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



NO.108/3, 22ND MAIN ROAD,
6TH CROSS,
GOVINDARAJANAGARA,
BANGALORE, PIN-560 040.

3. RELIANCE GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, S.M. TOWER,
14TH MAIN ROAD, 3RD BLOCK,
JAYANAGARA, BANGALORE,
PIN-560 011.
REPRESENTED BY ITS MANAGER.

...RESPONDENTS

(BY MISS SONALI, ADVOCATE FOR
SRI. D. VIJAYA KUMAR, ADVOCATE FOR R3;
V/O. DATED 20.03.2023,
NOTICE TO R1 AND R2 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19/12/2017, PASSED IN
MVC NO.6706/2016, ON THE FILE OF THE XXII ADDITIONAL
SMALL CAUSES JUDGE & XX ACMM & MEMBER, MACT,
(SCCH-24), BENGALURU, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.Manoj.M who represents Sri.A.Nagarajappa learned counsel on record for the appellant as well as Ms.Sonali who represents Sri.D.Vijaya Kumar learned counsel on record for respondent No.3.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Bengaluru in MVC No.6706/2016 dated 19.12.2017. This is a claimant's appeal.

3. The appellant projecting that he is entitled to a sum of Rs.12,50,000/- as compensation filed a claim petition invoking Section 166 of the Motor Vehicles Act. The Tribunal held that he is entitled to a sum of Rs.1,22,300/- as compensation. With a version that he is entitled to a higher sum, this appeal is filed.

4. Learned counsel for the appellant submits that appellant sustained one grievous and one simple injury. He was under bed rest for a period of six months.



Appellant was earning Rs.17,077/- per month as a private employee. He lost his earnings for a period of six months. That apart, he became permanently and completely disabled. Without considering these aspects, Tribunal granted meager sum of Rs.1,22,300/- as compensation and therefore, this appeal is filed. Learned counsel ultimately seeks for enhancement in compensation.

5. On the other hand learned counsel who represents respondent No.3 states that no evidence whatsoever was produced by appellant to establish his occupation and earnings as on the date of accident. Appellant has not chosen to examine either the doctor who treated him or the person who assessed the alleged disability. Thus, the compensation granted by the Tribunal is valid and therefore, the appeal is not maintainable.

6. By all the evidence produced, the appellant succeeded in establishing that he sustained fracture of left clavicle which is grievous in nature and a contusion over



left temporo pareital region which is simple in nature. He also established that he took treatment as inpatient for a period of four days. However, there is no material on record to show that appellant was under bed rest for a period of six months. Likewise, appellant failed to produce any evidence to show that he became permanently disabled due to the injuries sustained. Also appellant failed to establish his occupation and earnings as on the date of accident. Though learned counsel during the course of his submission stated that Ex.P22 should have been considered by the Tribunal, as appellant failed to establish the genuineness of Ex.P22, which is the statement of bank account, this Court is of the view that the Tribunal rightly failed to place much reliance upon that document. Also appellant failed to establish the genuineness of Ex.P19 and Ex.P20.

7. Tribunal held that appellant is entitled to a sum of Rs.20,000/- towards pain and suffering, Rs.42,292/- towards medical expenses, Rs.10,000/- for food,



nourishment, conveyance and attendant charges, Rs.20,000/- towards loss of income during treatment period and Rs.30,000/- towards loss of amenities in life. Total sum awarded as compensation is Rs.1,22,300/-. The said sum is highly justifiable in the light of the evidence produced by appellant. Appellant who failed to establish the aspects of disability, his occupation and earnings, cannot seek the Court to place reliance upon his mere submission that he became permanently and completely disabled and that he took bed rest for a period of six months. Therefore, this Court is of the view that there are no grounds to interfere with the findings given by the Tribunal. Resultantly, the following:

ORDER

The appeal is dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE