



CNR: KAHC010456162024

NC: 2026:KHC:42078
MFA No. 5320 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.5320 OF 2024(MV-I)

BETWEEN:

ASHIK B.S.,
S/O LATE SOMASHEKARA B.Y.,
AGED ABOUT 24 YEARS,
R/AT IKKERI BELURU,
SANKADAHOLE POST,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT – 577 432.

...APPELLANT

(BY SRI. ASHWATH C.M., ADVOCATE)

AND:

1. SURYANARAYANACHARI,
PROPRIETOR OF VISHWAKARMA TRAVELS LINK,
R/AT NO. 792, 10TH MAIN ROAD,
5TH BLOCK, BHUVANESHWARI,
BENGALUR - 560 085.
(OWNER OF INNOVA CAR BEARING
REG. NO. KA-05-AG-0567)
2. LOKESH R.,
S/O RAMAIAH M,
R/AT 598, 1ST MAIN RAOD,
RAGHAVENDRA BLOCK,
B.S.K. SRINAGAR, BENGALURU,
(DRIVER OF INNOVA CAR
BEARING REG.NO. KA-05-AG-0567)
3. THE BRANCH MANAGER,
CHOLAMANDALAM M S
GENERAL INSURANCE CO.LTD.,

Digitally signed by
REKHA R
Location: High
Court of
Karnataka



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BRANCH OFFICE AT:
RAJAJINAGAR, BENGALURU.
(INSURER OF INNOVA CAR
BEARING LREG. NO. KA-05-AG-0567)

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR
B. PRADEEP, ADVOCATE FOR R3,
NOTICE TO R1 AND R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED:27.11.2023 PASSED IN MVC NO.981/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, AND PO OF ADDITIONAL MACT, THIRTHAHALLI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of the judgment and award dated 27.11.2023 in MVC.No.981/2018 passed by the Senior Civil Judge and Judicial Magistrate of First class and Additional Motor Accidents Claims Tribunal-14, Thirthahalli,¹.

¹ 'Tribunal' for short



2. Heard, Sri.Ashwath C.M, learned counsel for the appellant and Sri. B.C.Shivanne Gowda, learned counsel appearing for Sri.B.Pradeep, learned counsel for respondent No.3/Insurer. Notice to respondent Nos.1 and 2 is dispensed with.

3. On short point Sri.Ashwath, submits that, the claimant has suffered fracture of femur bone. He has produced number of documents to support his contention before the Tribunal. However, the Tribunal only on the ground that the doctor has not been examined in order to assess the disability, declined the compensation under the head disability and however, taking into consideration of the injuries suffered and the medical expenses incurred, granted a total compensation of Rs.1,72,000/-, but not granted any compensation under the head 'loss of income' during laid up period and inadequate compensation under the head 'loss of amenities'. Hence, the claimant sought to



enhance the compensation, taking note of the fact that, the claimant has suffered fracture to a major bone.

4. In contrast, Sri. B.C.Shivanne Gowda, with all vehemence submits that the claimant, in the absence of doctor evidence, has not made out any case to seek for any compensation and argued in support of the judgment passed by the Tribunal stating that the compensation awarded is just and proper and within the ambit of just compensation, and sought to dismiss the appeal.

5. The facts undisputed are that the claimant has suffered fracture of femur bone, a major bone of the human body, was inpatient for 05 days, underwent surgery and has incurred a sum of Rs.81,614/- towards medical expenses.

6. However, considering the peculiar facts and circumstances of the case, instead of dwelling upon each and every heads of compensation, this Court is of the



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opinion that, if a global compensation of Rs.1,75,000/- along with 6% rate of interest is awarded, over and above the compensation already awarded would meet the ends of justice. Accordingly, the appeal is ***allowed-in-part***, enhancing compensation by another global sum of Rs.1,75,000/-, which shall carry interest at the rate of 6% per annum from the date of petition till realisation.

7. The respondent No.3/Insurer shall deposit entire enhanced compensation along with the interest afore within six weeks from the date of receipt of copy of this order and the Tribunal is directed to release entire amount, upon deposit in favour of the appellant, on proper identification.

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 1 Sl No.: 12
ct-vn