



CNR: KAHC010462492019

NC: 2026:KHC:41417
MFA No. 318 of 2020
C/W MFA No. 475 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 318 OF 2020 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 475 OF 2020 (MV-I)

IN MFA No. 318/2020

BETWEEN:

HALAPPA
S/O SANNEGOWDA
AGED ABOUT 35 YEARS,
R/AT BYALHALLI VILLAGE
SALAGAME POST & HOBLI
HASSAN TALUK & DIST

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. ABHIJIT M.M, ADVOCATE)

AND:

1. ANAND KUMAR
S/O NINGARAJU
AGED ABOUT MAJOR
R/AT YEREHALLI VILLAGE
HANDINAKERE HARANAHALLI POST
KASABA HOBLI,
HASSAN
TALUK AND DISTRICT-5



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2. THE BRANCH MANGER
M/S NATIONAL INSURANCE CO. LTD
MANJUANTHESHWARA COMPELX
OLD BUS STAND ROAD,

BESIDE PICTURE PALACE HASSAN

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2,
VIDE ORDER DATED 17/03/2023, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.27.11.2018 PASSED IN MVC
NO.381/2016 ON THE FILE OF THE PRL. CIVIL JUDGE AND CJM,
MEMBER, ADDITIONAL MACT, HASSAN, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 475/2020

BETWEEN:

DILEEPA @ DILEEP KUMAR @ RANGAIAH
S/O RANGAIAH,
AGED ABOUT 23 YEARS,
R/AT YEREHALLI VILLAGE,
HANDINAKERE HARAHALLI POST,
KASABA HOBLI,
HASSAN TALUK & DIST.

...APPELLANT

(BY SRI. ABHIJITH M.M, ADVOCATE)



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AND:

1. ANAND KUMAR
S/O NINGARAJU
R/AT YEREHALLI VAILLAGE,
HANDINAKERE HARNAHALLI POST,
KASABA HOBLI, HASSAN
TALUK AND DISTRICT-5
2. THE BRANCH MANAGER
NATIONAL INSURANCE CO. LTD.
MANJUNATHESHWARA COMPLEX,
OLD BUSSTAND ROAD,
BESIDE PICTURE PALACE,
HASSAN

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2,
VIDE ORDER DATED 23/03/2022, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.27.11.2018 PASSED IN
MVC NO.401/2016 ON THE FILE OF THE PRL. CIVIL JUDGE
AND CJM, MEMBER, ADDITIONAL MACT, HASSAN, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals arise out of common judgment and award passed in M.V.C.Nos.381/2016 and 401/2016 dated 27.11.2018 by the Principal Senior Civil Judge and Additional MACT, Hassan (for brevity, 'the Tribunal'), whereby the Tribunal allowed the claim petitions filed by the claimants-appellants and awarded compensation of Rs.25,000/- in M.V.C.No.381/2016 and Rs.20,000/- in M.V.C.No.401/2016. The claimant in MVC No.381/2016 preferred MFA No.318/2020, whereas claimant in MVC No.401/2016 preferred MFA No.475/2020

2. The factual matrix of the case in both the appeals is that on 15.03.2015 at about 07.00 a.m., while the claimant-appellant in MFA No.318/2020 was traveling in motorcycle bearing registration No.KA-13-EC-1488 to Bylahalli from Hassan, when he reached near Kandali Rice Mill, the rider of motorcycle bearing registration No.KA-13-



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EE-2501, in which the claimant-appellant in MFA No.475/2020 was traveling as pillion rider, came from opposite direction and dashed to the motorcycle of the appellant in MFA No.318/2020. Due to the impact, both of them fell down on the road and sustained injuries. Thereafter, both of them were admitted to Government Hospital, Hassan from there to NIMHANS Hospital, Bengaluru. Subsequently, two separate claim petitions were came to be filed before the Tribunal by the appellants as stated supra.

3. The Tribunal upon oral and documentary evidence, partly allowed the claim petitions and awarded a global compensation as stated supra. Being dissatisfied with the same, the appellants - claimants preferred these appeals.

4. Heard the learned counsel for the appellants in both the appeals and learned counsel for respondent No.2 - insurance company in both the appeals.



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5. Apart from urging several contentions, learned counsel for the appellants - claimants in both the appeals primarily contended that the appellant in M.F.A.No.318/2020 had sustained grievous injuries and was suffering from hearing impairment due to the accident. The said aspect of the matter is specifically mentioned in the CT scan report at Ex.P9 so also Ex.P10 i.e., report issued by the Sumukha Speech and Hearing Clinic. Despite these documents, the Tribunal has failed to award compensation on the head of loss of future income and other heads. He contended that the findings of the Tribunal i.e., future income cannot be considered without examination of the Doctor cannot be sustained, since the Exs.P9 and P10 are not denied by the Insurance Company before the Tribunal.

6. He also contended that the appellant in MFA No.475/2020 sustained head injuries and there is a disability caused to him due to the accident. In such circumstance, the Tribunal ought to have awarded just



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compensation in both the claim petitions. Accordingly, he prays to allow the appeals or to remit the matters back to the Tribunal for fresh adjudication of claim petitions by extending an opportunity to the claimants to examine the doctor and to produce documents if any.

7. *Per contra*, learned counsel for respondent No.2 - Insurance Company contended that the Tribunal is justified in awarding global compensation in both the claim petitions since the claimants failed to examine the doctor and also to produce the disability certificates. However, he fairly submits that if the claimants intend to examine the doctor and to produce the documents, then the matter may be remanded to the Tribunal. However, upon such remand the claimant is not entitled for the interest from the date of impugned judgment till disposal of the claim petition on remand.

8. I have given my anxious consideration on the submission made by the learned counsel for the appellants



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in both appeals and learned counsel for the insurance company so also perused the documents available on record.

9. As could be gathered from records, the occurrence of the accident and both the appellants - claimants sustained injuries in said accident are not in dispute. Further, the coverage of insurance policy for the offending motorcycle is also not in dispute. The contention of the learned counsel for the appellants that despite placing sufficient medical documents to establish the injuries and disability caused to the claimants, the Tribunal did not consider the same, is concerned, on careful perusal of the wound certificates at Exs.P4 and P12 of the claimants, both the wound certificates depict that the claimants have sustained grievous injuries. Moreover, in M.F.A.No.318/2020, Exs.P9 to P11 further reveals that the claimant is suffering from hearing impairment. In such circumstance, it could be presumed that the claimants have sustained some disability due to the said accident.



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Even the appellant in M.F.A.No.475/2020 also sustained head injury. No doubt, the claimants failed to examine the doctors who treated them. Nevertheless, the Exs.P9 to P11, P4 and P12 reveals the grievousness of the injuries and the disability. There might be functional disability if assessed. Hence, I find substantial force in the contention raised by the learned counsel for the appellants for remand of the matters to enable the claimants to lead evidence of the doctor and also to produce the necessary documents including disability certificates. Accordingly, the matter requires reconsideration at the hands of Tribunal by extending an opportunity to both the parties to lead further evidence and permit them to produce documents if any. Accordingly, I proceed to pass the following:

ORDER

- i. The appeals are ***allowed***.
- ii. The judgment and award dated 27.11.2018 passed in M.V.C.Nos.381/2016 and M.V.C.No.401/2016 by the Principal



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Senior Civil Judge and Additional MACT, Hassan is ***set aside*** and matters are remitted back to the Tribunal for fresh consideration.

iii. Parties are at liberty to lead the additional evidence and the documents if any.

iv. The Tribunal is also at liberty to frame additional issues if any, to decide the case.

v. Parties shall appear before the Tribunal on **16.09.2026** without further notice.

vi. Registry is directed to send back the TCR along with certified copy of the judgment to the concerned Commissioner forth with.

vii. Tribunal is directed to dispose of the petitions at the earliest within the outer limit of six months.

viii. It is made clear that claimants are not entitled for the interest from the date of impugned judgment and award



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i.e., 05.03.2016 till the disposal of the
claim petition on remand.

ix. All contentions are left open.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 1