



CNR: KAHC010555762026

NC: 2026:KHC:45462
MFA No. 5753 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5753 OF 2026 (MV-I)

BETWEEN:

1. MANJUNATH S,
S/O SHANMUKHAPPA,
AGED ABOUT 35 YEARS,
PRESENTLY R/AT C/O SMT. GEETHA,
NO.148, SRI LAKSHMI VENKATESHWARA NILAYA,
JH PATEL BADAVANE, VINOBANAGARA,
SHIVAMOGGA.

PERMANENTLY R/AT
ACHAPURA,
SAGARA TALUK,
SHIVAMOGGA DISTRICT.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

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

AND:

1. SUDARSHAN K. S.,
S/O UDUPA K.S.,
AGED ABOUT 34 YEARS,
DRIVER OF THE VEHICLE MARUTHI SWIFT CAR
BEARING REG. NO.
KA-05-MR-8628.

R/AT 4TH MAIN ROAD, NAYAKA LAYOUT,
JP NAGAR, 8TH PHASE,
B.K CIRCLE, KOTHANUR DINNE,
KARNATAKA BANGALORE SOUTH.



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PERMANENTLY RESIDING AT GUBBIHADI,
SHANKATARANARAYANA VILLAGE,
NAGARA HOBLI,
HOSANAGARA TALUK.

2. UDUPA K.S.,
S/O MANJUNATH UDUPA,
AGED ABOUT MAJOR,
OWNER OF THE VEHICLE MARUTHI SWIFT CAR
BEARING REG. NO.KA-05-MR-8628.

R/AT 4TH MAIN ROAD, NAYAKA LAYOUT,
JP NAGAR, 8TH PHASE,
B.K CIRCLE, KOTHANUR DINNE,
KARNATAKA BANGALORE SOUTH.

PERMANENTLY RESIDING AT GUBBIHADI,
SHANKATARANARAYANA VILLAGE,
NAGARA HOBLI,
HOSANAGARA TALUK.

3. THE AUTHORIZED SIGNATORY
NATIONAL INSURANCE COMPANY LTD.,
REGISTERED AND HEAD OFFICE AT PREMISES
NO.18-0374, PLOT NO.CBD 81,
NEW TOWN,
KOLKATA-700 156.
REP. BY ITS MANAGER

...RESPONDENTS

(BY SRI. ASHOK KUMAR V., ADVOCATE FOR R-3
V/O DT: 11.08.2026 NOTICE TO R-1 AND R-2
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DT. 04-07-2026 PASSED
IN MVC NO.777/2023 ON THE FILE OF THE III ADDL. DISTRICT
AND DISTRICT AND SESSIONS JUDGE AND AMACT-III
SHIVAMOGGA PARTLY ALLOWING THE CLAIM PETITION FOR



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COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant -claimant seeking enhancement of compensation awarded in the judgment and award dated 04.07.2026 passed in MVC No.777/2023 by III Additional District and Judge and AMACT-III, Shivamogga.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.3 -insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 18.09.2023 contending that the accident occurred due to rash and negligent driving



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of the driver of Swift Car bearing registration No.KA-05/MR-8628. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and Suffering	1,00,000/-
02.	Attendant, food and nourishment charges	20,000/-
03.	Medical Expenses	4,51,913/-
04.	Loss of income during leave period	1,93,968/-
05.	Loss of future amenities	1,00,000/-
Total		8,65,881/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent No.3 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.3 –insurer.



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6. Learned counsel for appellant would contend that the claimant has sustained 08 injuries. Out of them, there are 2 fractures, one is left tibia and another is head injury with diffuse axonal injury vertebra fracture. Considering the same the compensation awarded towards pain and suffering and loss of amenities are on lower side.

7. Learned counsel for respondent No.3 –insurer would contend that the compensation awarded for pain and suffering and loss of amenities are just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 18.09.2023. As on the date of accident, the claimant was aged 30 years and working as Deputy range Forest Officer. As per Ex.P8 – wound certificate, the claimant has sustained the following injuries:



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1. Laceration, measuring 5 x 1 cm x subcutaneous tissue deep, was present, starting at the forehead on the left side, situated at a point, 7 cm above and 2 cm away from the glabella.
2. Laceration, measuring 8 x 1 cm x bone deep, was present over the front of the head, starting on the forehead, was present, over the right side, situated at a point, 4 cm above and 1.5 cm away from the glabella.
3. Abrasion, reddish in colour, measuring 1 x 1 cm was present over the forehead, on the right side, situated at a point 3 cm above and 1 cm away from the glabella.
4. Linear abrasion, reddish in colour, measuring 1.5cm was present over the bridge of the nose, situated at a point 2 cm below the root of the nose.
5. Laceration, measuring 4 x 2 cm x subcutaneous tissue deep, was present over the front of the left leg, situated at a point, 4 cm above the ankle joint.
6. Abrasion, reddish in colour, measuring 1 x 0.5 cm was present over the front of the left ankle joint.
7. Linear abrasion, reddish in colour, measuring 2 cm was present over the front left leg, situated at a point 20 cm above the ankle joint.
8. Abrasion, reddish in colour, measuring 2 x 0.4 cm, was present over the front of the left leg, situated at a point, 8 cm above the left ankle joint.

10. Ex.P10 -treatment certificate indicate that the claimant has sustained head injury with diffuse axonal



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injury C2 vertebra fracture and open fracture left tibia with 4x3 centimeters laceration on left leg. P.W.2 -doctor has stated that the claimant has suffered disability of 28.3% of neuro-cognitive and 10% of physical disability. The doctor further stated that due to disability there is restricted mobility of neck of the claimant which is direct consequence of cervical spine fracture and subsequent fusion surgery. Considering the said aspect, the compensation awarded towards pain and suffering requires to be enhanced to Rs.1,50,000/- as against Rs.1,00,000/- as awarded by the Tribunal and loss of amenities is requires to be enhanced to Rs.1,50,000/- as against Rs.1,00,000/- as awarded by the Tribunal.

11. In view of the above, the claimant is entitled to enhanced compensation of Rs.1,00,000/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.3 -insurer is liable to pay the said enhanced compensation with interest.



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12. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,00,000/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.3 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 8