



CNR: KAHC010660562023

NC: 2026:KHC:43063
MFA No. 8287 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.8287 OF 2023(MV-I)

BETWEEN:

SRI. MANOJ,
S/O KRISHNAPPA,
AGED ABOUT 23 YEARS,
R/AT KARIBIRANAHALLI VILLAGE,
JADIGENAHALLI HOBLI,
HOSAKOTE TALUK,
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI. THIPPESWAMY B C., ADVOCATE)

AND:

1. SRI. MANJUNATH SHETTY,
S/O KRISHNAPPA SHETTY,
ATTIBELE, ANEKAL TALUK,
BENGALURU RURAL DISTRICT - 562 107.

2. IFFCO -TOKIA GENERAL
INSURANCE CO., LTD.,
REPRESENTED BY MANAGER
SRI. SHANTHI TOWERS,
5TH FLOOR, 3RD MAIN,
NO 141, EAST OF NGEF LAYOUT,
KASTURI NAGAR,
BENGALURU EAST - 560 043.

...RESPONDENTS

(BY SRI. SHIVANNE GOWDA, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE COURT ORDER DATED 13.08.2026
NOTICE TO R1 IS DISPENSED WITH)

Digitally
signed by
REKHA R
Location:
High Court of
Karnataka



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:21.08.2023 PASSED IN MVC NO.5695/2021 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU, 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 in MVC No.5695/2021 seeking enhancement of compensation, arising out of common Judgment and Award dated 21.08.2023, passed by the III Addl. Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru¹.

2. Heard, Sri.Thippeswamy.B.C, learned counsel appearing for the appellant/claimant and Sri.B.C.Shivanne Gowda, learned counsel appearing for Sri.B.Pradeep,

¹ 'the Tribunal', for short



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learned counsel for respondent No.2 Insurer. Notice to respondent No.1 is dispensed with vide order dated 13.08.2026.

3. The claimant said to have suffered Abrasion on knee and soft tissue injury and left arm tenderness. As per the Wound Certificate, injuries were shown as simple in nature. However, the doctor in his evidence has stated that the claimant has suffered left wrist drop, loss of power to the left wrist, loss of grip and holding strength in the left hand and stated that there is 56% disability to left hand and 19% at whole body. However, in his cross-examination, the Doctor has stated as under:

“ಅರ್ಜಿದಾರರಿಗೆ ಯಾವುದೇ ಮೂಳೆ ಮುರಿತದ ಗಾಯ ಆಗಿರುವುದಿಲ್ಲ. ಅರ್ಜಿದಾರರಿಗೆ ಆದಂತಹ ಗಾಯ ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯದ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ನಮೂದಾಗಿದೆ ಎಂದರೆ ಸರಿ. ಪರೀಕ್ಷಾ ವೇಳೆಯಲ್ಲಿ ಎಡಗೈಯ ನರಕ್ಕೆ ಏಟು ಬಿದ್ದಿದ್ದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅರ್ಜಿದಾರರಿಗೆ ಯಾವುದೇ ಶಸ್ತ್ರ ಚಿಕಿತ್ಸೆ ಆಗಿರುವುದಿಲ್ಲ.”



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4. The Tribunal upon this aspect of the matter, considered the disability at 2% and awarded appropriate compensation. However, in view of evidence as well as injuries suffered. The compensation awarded under the head 'Pain and Suffering', 'loss of income during laid up period' and 'loss of amenities' requires re-consideration. This Court instead of dwelling on each head, deem it proper to award Global compensation of Rs.50,000/-, which shall carry interest @ 6% per annum, from the date of petition till realization.

5. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 21.08.2023, passed by the III Addl. Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru in MVC No.5695/2021 is modified and the compensation is reassessed.



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- (iii) The Claimant is entitled for another Global compensation of **Rs.50,000/-** with interest @ 6% per annum from the date of petition till realization.
- (iv) Respondent No.2 - Insurer shall deposit the entire Global compensation along with interest supra before the concerned Tribunal within six weeks from the date of receipt of certified copy of this order.
- (v) Upon deposit, the entire amount shall be released in favor of the claimant after due identification.
- (vi) The Trial Court Record secured, if any, shall be transmitted forthwith to the concerned Tribunal.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 7
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