



CNR: KAHC010679062023

NC: 2026:KHC:44113
MFA No. 8598 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.8598 OF 2023(MV-I)

BETWEEN:

SRI. GAVIYAPPA,
S/O DODDARANGAPPA,
AGED ABOUT 65 YEARS,
AGRICULTURIST,
R/O MALALI VILLGE,
KASABA HOBLI,
HOSADURGA TALUK - 577 515.

...APPELLANT

(BY SRI. HARISH N.R., ADVOCATE)

AND:

1. SRI. NAVEEN D.,
S/O DEVADAS,
AGED MAJOR,
R/O NO.265/1, SONAR STREET,
CH MOHALLA, MYSORE - 577 526.

(OWNER OF THE VEHICLE BEARING
REG NO KA -02/ME-3834
TATA INDICA VISTA)

2. THE DEVISIONAL MANAGER,
UNITED INDIA INSURANCE
COMPANY LTD.,
DIVISIONAL OFFICE,
NO.34/3, M.M.K. COMPLEX,
2ND FLOOR, AKKAMAHADEVI ROAD,



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P.J. EXTENSTION,
DAVANAGERE.

(INSUER TO THE ACCIDENTAL
VEHICLE BEARING REGN NO.KA-02-ME-3834
TATA INDICA VISTA
VIDE POLICY NO.0720033117P102177876
VALID FROM 07.05.2017 TO 06.05.2018)

...RESPONDENTS

(BY SRI. A.M. VENKATESH, ADVOCATE FOR R2,
VIDE ORDER DATED 17.07.2026 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:06.05.2020
PASSED IN MVC NO.881/2018 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND MACT, HOSADURGA, PARTLY ALLOWING THE
CLAIM PETITION FOR 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 T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement
of compensation arising out of judgment and award dated
06.05.2020 in MVC No.881/2018 passed by the Senior
Civil Judge and MACT, Hosadurga¹.

¹ Hereinafter referred to as 'Tribunal' for short



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2. The parties are referred to as per their ranking before the Tribunal.

3. In an accident occurred on 31.12.2017, the claimant aged 57 years, suffered grievous injuries viz., fracture of right pelvis and hip, and other parts of the body, as per doctor who has been examined as PW2, the disability resulted in 28.4% to the particular limb and the X-ray which was taken while clinically assessing the disability shows malunited left acetabules fracture and decreased ROM of left hip.

4. The Tribunal has considered the disability at 9.46% to the whole body and considering the income at Rs.11,000/- per month, awarded total compensation of Rs.2,57,788/- under various heads. It is this judgment and award passed by the Tribunal, assailed in this appeal seeking enhancement by the claimant.



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5. Heard Sri.Harish N.R., learned counsel appearing for the appellant and Sri.A.M.Venkatesh, learned counsel appearing for the respondent No.2. Notice of this appeal on respondent No.1 is dispensed with vide order dated 17.07.2026.

6. Having considered the rival submissions, this Court perused the entire appeal papers. Though the disability is stated to be 28.4% to the whole body, taking into consideration of the fact that the pelvic bone is the centre bone of the human skeleton and considering the fact that the claimant was an inpatient for a period of 23 days in hospital and underwent surgery, this Court is of the opinion that instead of dwelling on awarding compensation under each head, if a further global compensation of Rs.75,000/- along with interest @ 6% is awarded, the same would meet the ends of justice.

7. Accordingly, this Court proceeds to pass the following:



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 06.05.2020 in MVC No.881/2018 passed by the Senior Civil Judge and MACT, Hosadurga, is modified by awarding another global compensation of Rs.75,000/- along with interest @ 6% p.a. from the date of petition till realization.
- (iii) The insurer shall deposit the entire enhanced compensation with interest stated supra, within a period of six weeks from the date of receipt of certified copy of this order.
- (iv) On deposit, the entire amount shall be released in favour of the appellant on due identification.



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(v) Trial Court Records received, if any, shall
be transmitted to the concerned Tribunal
forthwith without causing any delay.

(vi) No order as to costs.

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

DR
List No.: 1 Sl No.: 13