



CNR: KAHC010684912024

NC: 2026:KHC:45549
MFA No. 7804 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 7804 OF 2024 (MV-I)

BETWEEN:

MAMATHA
W/O PARAMESHWARA,
AGED ABOUT 37 YEARS,
OCC REVENUE OFFICER,
SIDDAPURA TOWN PANCHAYATH,
R/AT KANASE, SYDOOR VILLAGE,
SAGAR TALUK, SHIVAMOGGA DISTRICT

...APPELLANT

(BY SRI. ASHWATH.C., ADVOCATE FOR
SRI. MAHAVEER.K.JAIN, ADVOCATE)

AND:

1. MAHESH D NAIKA
S/O DYAVA I. NAIKA,
AGED ABOUT 33 YEARS,
OCC: DRIVER,
R/AT KADEKERI VILLAGE,
SIDDAPURA TALUK,
UTTARKANNADA DISTRICT
(DRIVER OF SANTRO
CAR BEARING REG. NO. KA-16-M-2215).
2. RAJESH M.
S/O MANJAPPA,
AGED ABOUT 30 YEARS,
R/AT KANASE, SYDOOR VILLAGE, SAGAR TALUK,
SHIVAMOGGA, DISTRICT
(OWNER OF SANTRO CAR BEARING REG.
NO. KA-16-M-2215).



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3. THE UNITED INDIA INSURANCE CO. LTD.
R/O GOVINDA KRUPA,
J.C. ROAD,SAGARA,
SHIVAMOGGA DISTRICT
(INSURANCE COMPANY OF SANTRO CAR BEARING
REG. NO. KA-16-M-2215)
REPRESENTED BY BRANCH MANAGER.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOF R3;
R1, R2- SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.02.2024 PASSED IN MVC
NO.482/2020 ON THE FILE OF THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ADDITIONAL MACT, SHIVAMOGGA,
SITTING AT SAGAR, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION BARRED BY TIME.

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 a judgment and award dated
17.02.2024, in MVC.No.482/2020 passed by the V



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Additional District and Sessions Judge and Addtional Motor Accident Claims Tribunal, Shivamogga sitting at Sagar¹.

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

3. Heard Sri.Ashwath.C.M, learned counsel appearing on behalf of Sri.Mahaveer K.Jain, learned counsel for appellant and Sri.C.Shankar Reddy, learned counsel for respondent No.3.

4. Sri.Ashwath.C.M, with all vehemence submits that, enhancement sought in this appeal is only with respect to non consideration of injury which has resulted in total disfiguration of right leg. The doctor who has been examined has stated 28% disability. Though the claimant continued her Government job, but the fact remains that she has to suffer throughout her life with the injury. In that view of the matter, he seeks enhancement of compensation

¹ "Tribunal" for short



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only on two heads viz. pain and suffering and loss of amenities. In that regard, the compensation be enhanced, considering only under above two heads.

5. Though Sri.C.Shankar Reddy, learned counsel appearing for respondent No.3 argued in support of judgment and award passed by the Tribunal, however, he is not in serious dispute with regard to the disfigurement caused to the right leg and the disability stated by the doctor. But, he submits that a reasonable compensation may be awarded, considering the fact that the claimant continued in the Government job with higher salary.

6. Having considered the rival submission, this Court perused the entire appeal paper.

7. It is not in dispute that the claimant continued in her service and with the salary increased. The doctor who has been examined clearly stated that the claimant suffered 28% limb disability. The learned counsel for the



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appellant placed a positive photo for perusal of the present status of the right leg, which is not seriously disputed by Sri.C.Shankar Reddy.

8. Considering the fact that there is a total disfigurement of right leg, this Court is of the opinion that some enhancement is to be considered both under pain and suffering and loss of amenities. Accordingly, this Court is of the opinion that if further global sum of Rs.75,000/- is awarded along with interest at the rate of 6% per annum, the same would meet the ends of justice.

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

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 17.02.2024, in MVC.No.482/2020 passed by the Tribunal is modified and enhanced globally by another **Rs.75,000/-** which shall carry interest at



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the rate of 6% per annum from the date of petition till realization.

- (iii) Respondent No.3-Insurer shall deposit entire enhanced global compensation along the interest stated supra within six weeks from the date of receipt of copy of this order.
- (iv) Upon deposit, the entire amount shall be released in favour of claimant on proper identification.
- (v) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 24