HC-KAR

NC: 2026:KHC:60499
MFA No. 1002 of 2026

CNR: KAHC010090892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1002 OF 2026
(MV-I)

BETWEEN:

1. PRATHIKSHA,
   AGED ABOUT 6 YEARS,
   D/O. MAHADEVAPPA GOWDA,
   MINOR APPELLANT
   REP. BY NEXT FRIEND
   GUARDIAN MOTHER LAXMI,
   AGED ABOUT 28 YEARS
   W/O. MAHADEVA GOWDA,
   RESIDING AT MUDDUMARUKE,
   JANATHA COLONY,
   MUDDUMARUKE POST - 585 224
   SOORAPURA TALUK AND
   YADAGIRI DISTRICT

...APPELLANT

(BY SRI. GANESHA R., ADVOCATE)

AND:

1. VISHWANATHA REDDI,
   AGED ABOUT 28 YEARS,
   S/O. GOWDAPPA,
   R/AT: GADISOMANALA,
   MUDDEBIHALA TALUK,
   BIJAPURA DISTRICT - 586 212.
   PRESENT ADDRESS:
   SUBRAMANYANAGAR,
   NITTURU, PUTTURU VILLAGE,
   UDUPI TALUK - 576 101.

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2. THE DIVISIONAL MANAGER,
HDFC ERGO GENERAL INSURANCE
COMPANY LTD.,
2ND FLOOR, ESSEL CENTRE -575 001
M.G. ROAD,
MANGALORE.

…RESPONDENTS

(BY SRI.MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B.PRADEEP, ADVOCATE FOR R2;
V/O. DTD. 30.09.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.02.06.2025 PASSED IN MVC NO.1255/2023 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND CJM UDUPI, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 02.06.2025 passed in MVC No.1255/2023 by Principal Senior Civil Judge and Additional MACT, Udupi.

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2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 13.08.2023 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.KA-20-MA-6316.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	**Particulars**	**Amount**
1.	Pain and sufferings	Rs. 25,000/-
2.	Medical expenditure	Rs. 27,472/-
	Total	**Rs. 52,472/-**

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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. The accident occurred on 13.08.2023 and as on the date of accident, the claimant was aged four (04) years.

8. The claimant has sustained the following injuries:

a) Laceration, measuring 0.5 X 0.5 cm X subcutaneous tissue deep was present over the upper lip in midline situated at a point 2 cms. inner to angle of mouth.

b) Laceration, 1 X 0.2 cm X subcutaneous tissue deep was present over the front of right forearm, situated at a point, 5 cms. above right wrist joint, with underlying fracture of right radius and right ulna.

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c) Swelling deformity of left arm present with underlying fracture of left humerus shaft.

9. The claimant has been admitted in hospital for one day. The claimant has incurred medical expenses of Rs.27,472/-. Considering the said injuries sustained, treatment taken and the medical expenses incurred, the compensation has to be globally enhanced in a sum of Rs.50,000/- without any interest.

10. Respondent No.2/insurer is liable to pay the said enhanced global compensation.

11. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellant/claimant is entitled to enhanced global compensation of Rs.50,000/- without any interest.

iii) Respondent No.2/insurer shall deposit the enhanced global compensation amount

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before the Tribunal within a period of six weeks from this day.

iv) The entire enhanced global compensation shall be kept in Fixed Deposit in the name of the claimant (minor) with Karnataka Branch, Udupi Branch, till she attains majority.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 45