HC-KAR

NC: 2026:KHC:59403
MFA No. 2288 of 2022

CNR: KAHC010247622021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 2288 OF 2022

(MV-I)

BETWEEN:

NOORULLA SHARIFF,
S/O MOHAMMED SHARIFF,
AGED ABOUT 60 YEARS,
R/AT VYASARAJAPURA VILALGE,
T. NARASIPURA TALUK,
MYSURU DISTRICT.

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

...APPELLANT

(BY SRI. RANGANATHAPRASAD B. S., ADVOCATE)

AND:

1. DINESH B. P.,
S/O PUTTANNAIAH B. D.,
NO.70, F BLOCK, 120 QUARTERS,
KSRPLM ROAD, MYSURU.
(OWNER OF THE HERO HONDA VEHICLE

BEARING REF.NO.KA-55-J-9313)

2. NATIONAL INSURANCE COMPANY LTD.,
NO.656C, 1ST FLOOR, 17TH MAIN,
5TH CROSS, SARASWATHIPURAM
MYSORE.

…RESPONDENTS

(BY SMT. MANJULA N TEJASWI., ADVOCATE FOR R2;

V/O DATED 22.08.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.10.2019, PASSED IN MVC.NO.405/2019, ON THE FILE OF THE VII ADDITIONAL DISTRICT JUDGE AND MEMBER, M.A.C.T. AT MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CNR: KAHC010247622021

ORAL JUDGMENT

The appellant is before this Court seeking enhancement of compensation being aggrieved by the judgment and award dated 21.10.2019 in MVC.No.405/2019 passed by VII Additional District Judge, Mysuru.

2. The case of the appellant is that the appellant along with his friend Somanna was traveling in his motorcycle in Mysuru City. At that time, the driver of the motor bike bearing registration No.KA-55-J-9313 driven the said vehicle in a rash and negligent manner and dashed against the motorcycle of the petitioner. Consequently, the petitioner and his friend fell down. The petitioner sustained grievous injuries to his left wrist and other parts of the body. A claim petition was filed before the Tribunal. The Tribunal awarded compensation of Rs.1,00,000/-.

3. The submission of learned counsel for the appellant is that the Tribunal has committed error in not considering the medical bills and also pain and suffering properly. In fact, adequate compensation ought to have been awarded to the appellant for the injuries sustained by him. Having not awarded

such adequate compensation, the appellant may be compensated properly in order to secure the ends of justice under the Act. Having said thus, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned counsel for respondent No.2-Insurance Company vehemently justified the award passed by the Tribunal and submitted that it is proper and appropriate. Making such submission, the learned counsel for Insurance Company prays to dismiss the petition.

5. Having heard the learned counsel for the respective parties and on perusal of the findings of the Tribunal, the Tribunal while considering the medical bills, opined that the appellant did not produce any receipts to show that corporate bill issued by Columbia Asia Hospital for a sum of Rs.88,859/- dated 15.10.2018 was paid by him. In fact, the payment of the medical bill has been paid by National Insurance Company. The said contention in my considered view is contrary to the dictum of the Hon'ble Apex Court in the case of ***New India Assurance Company Limited Vs. Dolly Satish Gandhi and***

another reported in ***2026 SCC OnLine SC 861***. The Hon'ble Supreme Court held that even though the compensation has been refunded by the Insurance Company, the injured is entitled to receive the amount paid under the medical bills. Therefore, the amount of Rs.88,859/- to be payable to the appellant. In addition to the said award, the Tribunal has not awarded adequate compensation under the head of pain and suffering. In fact, the appellant had sustained injuries on his left wrist joint. As a result of which, he is not able to discharge his duty as earlier. Having considered the said aspect, additional sum of Rs.10,000/- is added to the said conventional head.

6. In all, if a global compensation of Rs.1,00,000/- is paid, it would meet the ends of justice on both the sides. Hence, I proceed to pass the following:

ORDER

i) The petition is *allowed-in-part*.

ii) The judgment and award dated 21.10.2019 in MVC.No.405/2019 passed by VII Additional District Judge, Mysuru is modified.

iii) The global compensation of Rs.1,00,000/- is awarded to the appellant and directed the Insurance Company to deposit the amount within a period of eight weeks from the date of receipt of certified copy of the order.

iv) The global compensation will not carry any interest from the date of filing of this appeal. However, the award passed by the Tribunal will carry interest from the date of petition till its realization.

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 60