IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

MISCELLANEOUS FIRST APPEAL NO. 2651 OF 2015 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 3267 OF 2015 (MV-I)

IN MFA No. 2651/2015

BETWEEN:

VAJRAIAH
S/O LATE SIDDAIAH
AGED ABOUT 62 YEARS
RESIDING AT SULAIAHNAPALYA VILLAGE
CHELUR HOBLI, GUBBI TALUK
TUMKUR DIST.

...APPELLANTS

(BY SRI: MUSHTAQ AHMED, ADVOCATE)

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SURESH S
   S/O SOMANNA
   AGED ABOUT 31 YEARS
   R/A GARDEN HOUSE
   BHEEMASANDRA, KASABA HOBLI
   TUMKUR TALUK, TUMKUR DIST.

2. THE ORIENTAL INSURANCE CO., LTD.,
   BRANCH OFFICE, 1ST FLOOR
   TGMC BUILDING, J.C. ROAD

TUMKUR-572 121
REP. BY ITS MANAGER

…RESPONDENTS

(BY SRI: VIJAYA PHANEENDRA T B, ADVOCATE FOR
SRI: A N KRISHNA SWAMY, ADVOCATE FOR R2;
VIDE ORDER DATED 04.04.2022, NOTICE TO
R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.12.2014 PASSED IN MVC NO.51/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MACT-17, GUBBI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 3267/2015

BETWEEN:

THE MANAGER
THE ORIENTAL INSURANCE CO. LTD.
BRANCH OFFICE, 1ST FLOOR
TGMA BUILDING, J.D.ROAD
TUMKUR CITY-572 101

AND ALSO:
THE ORIENTAL INSURANCE CO. LTD.
44/46, LEO SHOPPING COMPLEX
RESIDENCY ROAD CROSS
BANGLAORE

BY ITS DIVISIONAL OFFICER

...APPELLANT

(BY SRI: VIJAYA PHANEENDRA T B, ADVOCATE FOR
SRI: A N KRISHNA SWAMY, ADVOCATE)

AND:

1. VAJRAIAH
   S/O LATE SIDDAIAH
   AGED ABOUT 62 YEARS

RESIDING AT SULAIAHNAPALYA
VILLAGE, CHELUR HOBLI
GUBBI TALUK-572 101

2. SURESH S
S/O SOMANNA
AGED ABOUT 30 YEARS
RESIDING AT GARDEN HOUSE
BHEEMASANDRA, KASABA HOBLI
TUMKUR TALUK-572 101

...RESPONDENTS

(BY SRI: MUSHTAQ AHMED, ADVOCATE FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.12.2014 PASSED IN MVC NO.51/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE, MEMBER, ADDITIONAL MACT-17, GUBBI, AWARDING A COMPENSATION OF RS.20,000/- WITH INTEREST @ 6% P.A FROM THE DATE OF PETITION TILL REALIZATION.

THESE MFAs, HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 25.09.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **T.P.VIVEKANANDA J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

MFA No.2651 of 2015 is filed by the claimant being not satisfied with the compensation awarded by the Tribunal in MVC No.51 of 2013 dated 12.12.2014 passed by the Senior

Civil Judge and Additional MACT-17, at Gubbi, whereby, the Tribunal has awarded compensation of Rs.20,000/- for the injuries sustained by the claimant in the road traffic accident.

2. MFA No.3267 of 2015 is filed by the insurer challenging the very same impugned judgment and award contending that the compensation awarded by the Tribunal is on the higher side.

3. The occurrence of the accident and liability of the insurer is not disputed. However, the only ground on which the insurer has filed the appeal is regarding the quantum.

4. Before the Tribunal, the claimant was examined as PW1. He has deposed that he has sustained 4 injuries and all the injuries are simple in nature. It is his assertion that he was admitted to hospital and undergone treatment for a period of 15 days and spent about Rs.50,000/- for the medical treatment. It is noticed from the award that the claimant has neither produced the medical bills nor discharge summary. The claimant has also not examined the doctor. Taking note of the aforesaid circumstances, the Tribunal has found it appropriate to grant about Rs.5,000/- towards medical expenses and a sum of Rs.15,000/- towards pain and suffering.

5. We have heard learned counsel for the claimant and learned counsel for the insurer in both the appeals and perused the appeal papers, so also, the records of the Trial Court.

6. On behalf of the claimant, the documents marked are the wound certificate and the statement recorded by the police with regard to the accident occurred. The wound certificate discloses that the claimant has sustained the following injuries:

> *1) Abrasion over the (left) temporal region measuring 3x2 cm;*
>
> *2) Abrasion over the (right) wrist measuring 3x2 cm;*
>
> *3) Abrasion over right knee measuring 2x2 cm and over right leg measuring 2x2 cm; and*
>
> *4) Abrasion over left ankle joint measuring 2x2 cm."*

7. Though the injuries sustained by the claimant are simple in nature, however, on account of the injuries, the claimant must have suffered pain and discomfort and he might not have attended to his day-to-day activities and duties at least for a period of 15 days to one month. Therefore, we are of

the opinion that since the claimant has suffered 4 simple injuries and the wound certificate has been issued by the District Hospital, Tumakuru, which is not disputed by the insurer, the appellant would be entitled for reasonable enhancement of compensation. Accordingly, we are of the opinion that the claimant should be made entitled for additional compensation of **Rs.5,000/-** towards pain and suffering, sum of **Rs.10,000/-** for loss of amenities, sum of **Rs.5,000/-** towards food, nourishment, conveyance and other incident charges. Thus, in all, the claimant is entitled for enhanced compensation of **Rs.20,000/-** over and above the compensation already awarded by the Tribunal.

8. Since we have enhanced the compensation from Rs.20,000/- to Rs.40,000/- in the appeal filed by the claimant, as a result of which, the appeal filed by the insurer must necessarily fail.

9. In the result,

(i) MFA No.3267 of 2015 filed by the insurer is ***dismissed.***

(ii) MFA No.2651 of 2015 filed by the claimant is ***allowed in part.***

(iii) The judgment and award dated 12.12.2014 in MVC No.51 of 2013 passed by the Senior Civil Judge and Additional MACT-17 at Gubbi, is modified entitling the appellant for enhanced compensation of **Rs.20,000/-** over and above the compensation already granted by the Tribunal.

(iv) The enhanced compensation shall carry interest at 6% per annum from the date of petition, till its realization.

(v) The statutory deposit of Rs.10,000/- alongwith accrued interest be transmitted to the Tribunal for disbursement.

Registry is directed to transmit the Trial Court records, forthwith, along with the copy of this judgment, for needful action.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN