NC: 2026:KHC:23413
M.F.A. No.10420/2018

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.10420/2018 (MV-I)

BETWEEN:

SRI. T. RAMASWAMY
S/O LATE THIMAIAH
AGED ABOUT 49 YEARS
R/AT 16TH CROSS, V.V. NAGARA
KALLAHALLI, MANDYA CITY-571401.

...APPELLANT

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

(BY SMT. MAMATA G. KULKARNI, ADV.,)

AND:

1. GIRISH H.M.
   S/O MARIYAPPA H.K.
   AGED 34 YEARS
   R/AT 4TH CROSS, GUTHALU
   CHIKKEGOWDANA DODDI
   MANDYA-571401.

2. THE BRANCH MANAGER
   NEW INDIA ASSURANCE CO LTD.,
   DIVISIONAL OFFICE
   NO.13/2, 1ST FLOOR, 2ND MAIN
   TEMPLE ROAD, V V MOHALLA
   MYSURU-5700011.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADV., FOR R2
R1 SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:23.06.2017 PASSED IN MVC NO.1538/2014 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE & JMFC, MANDYA, 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured appellant challenging the judgment and award dated 23.06.2017 passed in MVC.No.1538/2014 by the II Additional Senior Civil Judge & JMFC and MACT, Mandya (for short 'the Tribunal').

2. Heard Smt.Mamtha G. Kulkarni, learned counsel appearing for the appellant, Sri.S.V.Hegde Mulkhand, learned counsel for respondent No.2 and meticulously perused the material available on record.

3. The injured appellant filed a claim petition seeking compensation before the Tribunal. The Tribunal,

considering the evidence of PW1, PW2 and Exs.P1 to P11, awarded a global compensation of Rs.10,000/-. It is to be noticed that the appellant sustained injuries in a road accident on 09.11.2014. Thereafter, he was shifted to the Govt. Hospital, Mandya and subsequently to the Mandya Institute of Medical Sciences, Mandya and for further treatment, he was shifted to NIHMANS Hospital, Bengaluru. Exs.P9, P10 and P11 indicate that the appellant had suffered head injuries and was treated as an inpatient from 09.11.2014 to 15.11.2014 at Mandya Institute of Medical Sciences, Mandya and thereafter shifted to NIMHANS Hospital, Bengaluru. The medical records with regard to the NIMHANS Hospital indicate that a CT scan was conducted, which revealed a minor head injury and based on that, treatment was provided to the appellant. It is also to be noticed that the appellant failed to substantiate his income, disability and injuries suffered by him by producing cogent evidence before the Tribunal. Considering the aforesaid evidence and taking note of the

fact that the appellant suffered head injury, I am of the considered view that the ends of justice would be met if an additional compensation of Rs.50,000/- is awarded. Accordingly, the appellant is entitled to an additional sum of ***Rs.50,000/-*** as compensation.

4. The impugned judgment and award of the Tribunal is modified to the aforesaid extent. The additional compensation amount shall carry interest at the rate of 6% per annum from the date of petition till realization excluding the interest for the delayed period of 405 days as per the order dated 13.02.2023.

5. In modification of the impugned judgment and award of the Tribunal to the above extent, the appeal stands ***partly allowed***. The respondent/insurer shall deposit the additional compensation amount with accrued interest before the Tribunal within six weeks from the date of receipt of certified copy of this judgment. On such

deposit, the same shall be released in favour of the appellant. Registry to draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 17