CNR: KAHC010419702026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4599 OF 2026

(MV-I)

BETWEEN:

SRI ARUN GANGADHAR NAIK
S/O. GANGADHAR NAIK
AGED ABOUT 62 YEARS
R/AT: JOSEPH COMPLEX
MUDUGOPADI, GOPADI VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT -576 201.

…APPELLANT

(BY SRI REVANNA D S, ADVOCATE FOR
SRI NAGARAJA H R, ADVOCATE)

AND:

1. SRI DINESH
   S/O. CHANDRA
   AGED ABOUT 39 YEARS
   R/AT:NEAR SRI MAHAKALI TEMPLE
   KHARVIKERI, KASABA VILLAGE
   KUNDAPURA TALUK
   UDUPI DISTRICT – 576 201.

2. THE NATIONAL INSURANCE CO. LTD.,
   BRANCH OFFICE

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

KUNDAPURA-576 201.
REP. BY ITS BRANCH MANAGER.

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY, N A, ADVOCATE FOR
SRI A M VENKATESH, ADVOCATE FOR R2
V/O DTD. 02.07.2026, NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:19.09.2024 PASSED IN MVC No.1126/2018 ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI (SITTING AT KUNDAPURA), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant -claimant seeking enhancement of compensation awarded in judgment and award dated 19.09.2024 passed in MVC No.1126/2018 by Additional District Judge and Additional MACT, Udupi.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

learned counsel for appellant and learned counsel for respondent No.2 -insurer.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 27.06.2018 contending that the accident occurred due to rash and negligent driving of the driver of motor cycle bearing registration No.KA-20/EP-2718. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1	Loss of income during the period of treatment	Rs.1,81,435/-
2	Medical bill, conveyance, nutrition and attending charges	Rs.2,78,317/-
3	Pain and sufferings	Rs.20,000/-
4	Loss of amenities	Rs.15,000/-
	Total	Rs.4,94,752/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. The claimant has sustained the following injuries:

i) Open right tibia and fibula fracture

ii) Abrasion upper end of right forearm

iii) abrasion over base of left great toe

iv) head injury with bilateral frontal lobe acute hemorrhagic contusions

v) acute subdural haemorrhage, pneumocephalus, right maxillary sinus fracture with hemosinus

vi) fracture of right occipital bone and left orbit

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.15,000/- is enhanced to Rs.70,000/-.

7. P.W.2 -doctor stated that the claimant has to undergo surgery for removal of the implant and for that he needs a sum of Rs.30,000/-. Considering the said evidence of the doctor, the claimant is entitled to future medical expenses of Rs.30,000/-.

8. In view of the above, the claimant is entitled to enhanced compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	80,000/-
02.	Towards loss of amenities	55,000/-
03.	Towards Future Medical Expenses	30,000/-
	Total	**1,65,000/-**

9. The claimant is not entitled to interest on future medical expenses of Rs.30,000/-. In view of the above,

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

the claimant is entitled to enhanced compensation of Rs.1,65,000/- with interest at the rate of 6% per annum from the date of petition till realization. The appellant – claimant is not entitled to interest on delay period of 551 days in filing appeal as per order dated 29.10.2026 passed on IA No.1/2026. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) The appellant -claimant is entitled to enhanced compensation of Rs.1,65,000/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The appellant -claimant is not entitled to interest on future medical expense of Rs.30,000/-.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

iv) The appellant –claimant is not entitled to interest for the delay period of 551 days in filing the appeal.

v) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

vi) The appellant -claimant is entitled to release of entire enhanced compensation amount.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 10
Ct.sm