



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**MISCELLANEOUS FIRST APPEAL NO. 7831 OF 2018 (MV-DM)**

**BETWEEN:**

REVEREND SISTER FLORIN  
D/O THOMAS PAIS  
SUPERIOR, SAINT JOSEPH  
PRASHANTH NIVAS  
NELYADI VILLAGE, TALUKA PUTTURU  
DAKSHANA KANNADA DISTRICT  
REP BY GPA HOLDER  
SISTER IRIN D SILVA  
D/O ALFONCE D SILVA  
AGED ABOUT 69 YEARS  
PRINCIPAL AND SUPERIOR  
HOLI RIDIMARS CONVENT  
HOSANAGAR, R/O GANGANAKOPPA  
HOSANAGAR, PIN - 577 201.

...APPELLANT

(BY SRI JYOTI Y KATAGAR, ADV., FOR  
SRI NAGARAJAPPA A, ADV.)

**AND:**

1. ALBIN P.T  
S/O THOMAS  
R/O ACHAPUR  
ANANDAPURAM HOBLI  
TALUKA SAGAR  
DISTRICT SHIVAMOGGA  
PIN - 577 201.
2. SMT. MUMATSA  
W/O SALEEM  
MAJOR  
MANAVAIYALI HOUSE  
PERAMBURU, KALLIKAT  
KERALA, REP. BY GPA HOLDER





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JOSH MATHEW  
S/O C.M. MATHEW  
AGED ABOUT 47 YEARS  
AGRICULTURIST, RIPPONPETE  
TALUKA HOSANAGAR  
DISTRICT SHIVAMOGGA  
PIN - 577 201.

3. ROYAL SUNDARAM ALLIANCE INSURANCE  
COMPANY LTD, 4TH FLOOR  
M. SONS ARCADE, CHORITY ROAD  
KYALIKAT, KERALA STATE  
REP BY BRANCH MANAGER.

...RESPONDENTS

(BY SRI RAVI S. SAMPRATHI, ADV., FOR R-3;  
V/O DT:12.06.2025, NOTICE TO R-2  
IS HELD SUFFICIENT  
R-1 SERVED & UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 27.10.2016 PASSED IN MVC  
NO.152/2016 ON THE FILE OF THE V ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, SHIVAMOGGA, SITTING AT SAGAR, 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 VIJAYKUMAR A. PATIL

### **ORAL JUDGMENT**

This appeal is filed by the owner of the vehicle  
challenging the judgment and award dated 27.10.2016  
passed in MVC No.152/2016 by the Court of V Addl.



District & Sessions Judge & Addl. MACT, Shivamogga, sitting at Sagar, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with consent of the learned counsel for the parties, it is taken up for final disposal.

3. Heard the learned Counsel Smt. Jyoti Y.Katagar appearing for Sri A.Nagarajappa, learned Counsel for the appellant and Sri Ravi S.Samprathi, learned Counsel for respondent no.3.

4. The parties to the proceedings do not dispute that the claim petition in MVC.No.152/2016 is filed by the owner of the Bolero vehicle bearing registration No.KA-21/M-3356. It is also not in dispute that the said vehicle met with an accident on 11.05.2015 and the inmates of the said vehicle sustained injuries. The present claim is of the owner with regard to the damage caused to the vehicle involved in the accident. The Tribunal considering the evidence of the owner as well as PW-3, has awarded



compensation of Rs.40,000/- with simple interest at 6% per annum.

5. I have perused the damage caused to the vehicle as per Ex.P-5, the oral evidence of PW-3 - Srikanth who has estimated the cost of repair of the vehicle at Rs.2,78,000/-. However, the said witness in his cross-examination, admitted that to repair the damage referred in Ex.P-5, the approximate cost would be Rs.40,000/-. Taking note of the estimation arrived by PW-3, the damage referred to at Ex.P-5 and the oral evidence of PW-3, I am of the considered view that interest of justice would be met, if additional Rs.30,000/- is awarded to the appellant.

6. For the aforementioned reasons, the appeal is ***allowed in part***. The appellant would be entitled for additional compensation of Rs.30,000/- with interest at 6% per annum from the date of petition till realization of



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the amount. The rest of the judgment and award of the Tribunal shall remain unaltered.

**Sd/-  
(VIJAYKUMAR A. PATIL)  
JUDGE**

KK