



**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 C.M. POONACHA**

**MISCELLANEOUS FIRST APPEAL NO. 3465 OF 2013 (MV-I)**

**BETWEEN:**

SRI KRISHNA NAIK  
S/O GANESH NAIK  
AGED ABOUT 51 YEARS  
R/AT BAALE GUNDI  
KENJOOR GRAMA  
UDUPI TALUK

...APPELLANT

(BY SRI. JAYANTHA POOJARY, ADVOCATE)

**AND:**

1. GENESH BHARVI  
S/O HOOVA BHARVI  
AGED ABOUT 30 YEARS  
R/AT BHAHADDOOR SHA ROAD  
KUNDAPURA 576201
2. MAHESH SHETTY  
S/O VITTAL SHETTY  
AGED ABOUT 34 YEARS  
R/AT NADUHEDDU MANE,  
MADARTHI POST,  
UDUPI TALUK 576101
3. THE UNITED INDIA INSURANCE CO LTD.,  
REP BY ITS DIVISIONAL MANAGER  
JWELL PLAZA,





MARUTHI VITHIKA ROAD,  
UDUPI TALUK 576101

...RESPONDENTS

(BY SRI. P B RAJU, ADVOCATE FOR R3  
R1, R2 ARE SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.07.2012 PASSED IN MVC NO.665/2011 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, ADDITIONAL MACT, UDUPI, 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 C.M. POONACHA

### **ORAL JUDGMENT**

1. The above appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 10.07.2012 passed in MVC No.665/2011 by the Prl. Senior Civil Judge & Addl. MACT., Udupi<sup>1</sup>, wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹6,000/- together with interest at 8% pa. Being aggrieved, the present appeal is filed by the claimant seeking for enhancement of compensation.

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<sup>1</sup> Hereinafter referred to as 'Tribunal'



2. The findings of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only aspect that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded.

3. The claimant is aged 49 years as on the date of the accident i.e., as on 31.03.2011. The wound certificate (Ex.P3) and the inpatient bill (Ex.P7) discloses that the claimant sustained cut lacerated wounds over the right elbow, right leg, left cheek, left clavicle, left thigh. All injuries are simple in nature. The claimant was an inpatient from 31.03.2011 to 02.04.2011 i.e., for a period of three days. The claimant was treated conservatively. No doctor has been examined. The Tribunal has awarded a global compensation of ₹6,000/-.

4. Having regard to the nature of injuries sustained and the period of treatment, it is just and proper that a further sum of ₹4,000/- is awarded in full and final settlement of the claim of the appellant with interest @ 6% p.a. from the date of petition till the date of payment in addition to compensation awarded by the Tribunal.



5. In view of the aforementioned, the following:

- i) The above appeal is partly allowed;
- ii) The judgment and award dated 10.07.2012 passed in MVC.No.665/2011 by the Prl. Senior Civil Judge & Addl. MACT., Udupi is hereby modified and a further sum of ₹4,000/- is awarded in full and final settlement of the claim of the appellant with interest @ 6% from the date of petition till the date of payment in addition to compensation awarded by the Tribunal. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) Respondent No.3 - Insurance Company shall deposit the enhanced compensation together with accrued interest within a period of six weeks;
- iv) After deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;
- v) The Registry to draw the modified award accordingly;



vi) Records be transmitted to the Tribunal  
forthwith;

No costs.

Pending interlocutory applications, if any, are also  
disposed of.

**Sd/-**  
**(C.M. POONACHA)**  
**JUDGE**

BS  
List No.: 1 Sl No.: 9