



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4037 OF 2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 6494 OF 2024 (MV-I)

IN MFA No. 4037/2024

BETWEEN:

NEW INDIA ASSURANCE COMPANY LTD.,
PANDURANGA COMPLEX,
ANDECHATA ROAD,
CHIKKAMANGALORE-577101
REPRESENTED BY,
THE REGIONAL MANAGER,
M/S NEW INDIA ASSURANCE COMPANY LTD.,
THIRD PARTY CLAIMS HUB,
MAHALAKSHMI CHAMBERS,
II FLOOR, NO. 9, M.G. ROAD,
BENGALURU-560 001.

...APPELLANT

(BY SRI. MANJULA NEMICHANDRA TEJASWI., ADVOCATE)

AND:

1. SIDDAGANGAIAH V.B.
S/O BASAVARAJU,
AGED ABOUT 29 YEARS,
R/O VARADENAHALLI VILLAGE,
KASABA HOBLI, GUBBI TALUK,
NOW R/O BENNAYAKANAHALLI,
GOLLARAHATTI, KASABA HOBLI,
TIPTUR-572 201.





2. RAJESH NAIDU C.N.
S/O NAGARAJU NAIDU B.N.
AGED MAJOR
MALLANDUR ROAD,
RIGHT SIDE, UPPALLI,
CHIKKAMAGALORE TALUK-577101.

...RESPONDENTS

(BY SRI. PRASANNA KUMAR L., ADVOCATE AND
SRI. CHANDRASHEKARAIAH B., ADVOCATE FOR R1,
R2-SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 21.02.2024 PASSED IN MVC
NO.647/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, TIPTUR, AWARDED COMPENSATION OF RS.3,03,600/-
WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF
PETITION TILL ITS DEPOSIT.

IN MFA NO. 6494/2024:

BETWEEN:

SRI. SIDDAGANGAIAH V. B.
S/O. BASAVARAJU,
NOW AGED ABOUT 29 YEARS,
VARADENAHALLI VILLAGE,
KASABA HOBLI, GUBBI TALUK,
TUMAKURU DISTRICT-572 216

NOW R/O. BENNAYAKANAHALLI,
GOLLARAHATTI, KASABA HOBLI,
TIPTUR TALUK,
TUMKUR DISTRICT-571 201.

...APPELLANT

(BY SRI. CHANDRASHEKARAIAH B., ADVOCATE)

AND:

1. MR. RAJESH NAIDU C N
S/O. NAGARAJU NAIDU. B. N.,



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MAJOR
(AGE OF R-1 NOT KNOWN TO APPELLANT)
MALLANDUR ROAD, RIGHT SIDE, UPPALLI,
CHIKKAMAGALORE TALUK,
CHIKKAMAGALURU DISTRICT,
PIN-577 101.

2. NEW INDIA INSURANCE COMPANY LTD.,
PANDURANGA COMPLEX,
ANDECHATA ROAD,
CHIKKAMAGALORE-577 101.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SMT. MANJULA N. TEJASWI., ADVOCATE FOR R2,
R1-SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 21.02.2024 PASSED IN MVC
NO.647/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, TIPTUR, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THESE APPEALS COMING ON FOR FINAL HEARING THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

MFA No.4037/2024 is filed by the Insurance
Company questioning the award of the Tribunal and the
liability fastened on the appellant/insurance company and
MFA No.6494/2024 is filed by the appellant/claimant for
enhancement of compensation under Section 173(1) of



Motor Vehicles Act, 1988, challenging the judgment and award dated 21.02.2024 passed in MVC No.647 of 2021, by the Senior Civil Judge and JMFC, Tiptur.

2. Heard the arguments of both the learned counsel.

3. Brief facts of the case are that, the petitioner/injured met with an accident on 15.01.2021 and filed petition before the Tribunal for compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.3,03,600/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, both the Insurance Company and claimant have preferred these appeals.

IN MFA NO.4037/2024

4. Learned counsel for the appellant/Insurance Company mainly contended that the driver of the offending lorry has no valid driving licence. In support of



their contention, they examined RW.1 and marked documentary evidence as Exs.R.1 to R.4. The charge sheet was also filed against the driver of the offending vehicle under Section 181 of the M.V. Act. But the Tribunal without properly considering the said evidence, fastened the liability on the Insurance Company. Therefore, requested for set aside the order of the Tribunal.

IN MFA NO.6494/2024

5. MFA No. 6494/2024 is filed by the claimant challenging the same order. He contended that the doctor assessed the disability at 15% to the particular limb and 6% to the whole body. The claimant sustained two injuries and was hospitalized for 18 days. The compensation granted under other heads is meagre. Therefore, requested for enhancement of the compensation.

6. Though it is stated that the petitioner/injured was doing a agricultural work and earning Rs.30,000/- per month, he has not filed any income proof. As the accident



occurred in the year 2021, his notional income is taken at Rs.15,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. The petitioner/injured was aged 26 years and the applicable multiplier is '17'. As per Ex.P.6-wound certificate, he sustained an undisplaced fracture of the left clavicle and degloving injury to the right thigh. The doctor was examined as PW.3 and stated that the petitioner has suffered 15% disability to the particular limb and 6% to the whole body. The Tribunal has rightly considered the whole body disability at 6% based on the medical evidence, which needs no interference. Accordingly, the Tribunal granted a sum of **Rs.1,83,600/-** ($15,000 \times 12 \times 17 \times 6\%$) towards loss of future income and it is confirmed. The petitioner/injured was hospitalized for a period of 18 days and incurred medical expenses of **Rs.24,826/-** as per Ex.P.14. This Court finds it reasonable to award the said amount towards medical expenses. Considering the nature of injuries, period of



hospitalization and other relevant factors, this Court finds it reasonable to grant a sum of **Rs.50,000/-** towards pain and suffering, **Rs.30,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. The Tribunal has awarded **Rs.30,000/-** towards loss of income during the laid-up period of two months, which is also confirmed.

7. Admittedly, the driver of the offending vehicle has no valid driving licence. In view of the law laid down by the Hon'ble Supreme Court in ***Pappu and Ors Vs. Vinod Kumar Lamba and Another***¹, this Court finds it reasonable to invoke the principle of "pay and recovery".

8. Thus in all, compensation awarded by this Court is as below:

¹ 2018 (3) SCC 308



Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2.	Towards medical expenses	24,826/-
3.	Towards loss of amenities	30,000/-
4.	Towards transportation, extra nourishment and attendant charges	30,000/-
5.	Towards loss of income during laid up period	30,000/-
6.	Towards loss of future earning capacity	1,83,600/-
	Total	3,48,426/-

9. Hence, the appellant-claimant is entitled for a total compensation of Rs.3,48,426 /- along with interest at the rate of 6% p.a.

10. In the result, the following order is passed:

ORDER

- i. Both the appeals are ***allowed***.
- ii. The judgment and award dated 21.02.2024 passed in MVC No.647/2021 on the file of



the Senior Civil Judge and JMFC, Tiptur, is modified.

- iii. The claimant is entitled to a sum of **Rs.3,48,426/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,03,600/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited 50% of the award amount before this Court. Therefore, respondent No.2/Insurance Company is directed to deposit the balance amount along with the interest at the rate of 6% within one month from the date of this order.
- v. On such deposit, petitioner/claimant is permitted to withdraw the entire amount along with interest accrued on the same.



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- vi. Insurance company is at liberty to recover the same from the owner of the vehicle by due process of law.
- vii. The amount deposited before this Court is to be transferred to MACT.
- viii. Registry is directed to send back the Trial Court records to the concerned Tribunal immediately.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 99