



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.4947/2020 (MV-I)

BETWEEN:

NAGESH KUMAR .N
S/O LAXMAN RAO
AGED ABOUT 56 YEARS
K.L. RAO COMPOUND
MICRO WAVE STATION ROAD
NEHRU NAGAR, KABAKA
PUTTUR, D K -574203
PRESENTLY RESIDING AT
C/O TARANATH .T
SHARADA NILAYA JALLIGUDDE
JAYANAGAR,
BAJAL POST
MANGALURU, D K DISTRICT-575012.

...APPELLANT

(BY MS. POOJAPARVATHI U, ADV., FOR
MR. RAVISHANKAR SHASTRY G, ADV.,)

AND:

1. THRESIYAMMA
W/O MATHEW THARAKAN
AGED ABOUT 33 YEARS
R/AT PUTHYE HOUSE
KOKKADA POST AND VILLAGE
BELTHANGADY TALUK
D K DISTRICT-574222.



2. ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
EMKAYS SHALIMAR COMPLEX
3RD FLOOR, KANKANADY
MANGALORE, D K DISTRICT-575003.
REP. BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADV., FOR R2
R1 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.18.12.2018 PASSED IN
MVC NO.1164/2017 ON THE FILE OF THE II ADDITIONAL
SENIOR CIVIL JUDGE AND CJM, MANGALURU, D.K,
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 injured/claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 18.12.2018 passed in MVC.No.1164/2017 by the II Additional Senior Civil Judge & CJM, Mangaluru, D.K., (for short, 'Tribunal').

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

3. Ms.Poojaparvathi U, learned counsel for Sri.Ravishankar Shastry G., learned counsel for the appellant-injured submits that the appellant met with a road accident on 01.06.2017 and he was provided treatment at Government Hospital, Puttur and thereafter shifted to A.J.Hospital, Mangaluru and treated as in-patient. It is submitted that in order to prove the claim, the appellant examined himself and the doctor and got marked the documents, based on such evidence, the



Tribunal awarded total compensation of Rs.1,85,972/-. It is further submitted that during the pendency of the proceedings before the Tribunal and this appeal, the appellant was required to take further treatment, which is relating to the injuries suffered in the aforesaid accident and the appellant has produced the documents i.e., bills for incurring the expenditure along with I.A.No.1/2022 under Order XLI Rule 27 of CPC. Hence, he seeks to consider those bills and award compensation by considering the evidence on record.

4. Per contra, Sri.C.R.Ravishankar, learned counsel respondent No.2-Insurance Company submits that the Tribunal, considering the evidence available on record, has awarded just and fair compensation, therefore, the same does not call for any modification. It is submitted that insofar as the bills, which are now produced, is concerned, the same cannot be accepted on its face value unless the respondent-Insurance Company had an opportunity to cross-examine the appellant-claimant.



Hence, he fairly submits that it would be appropriate to remand the matter to the Tribunal.

5. I have heard the arguments of the learned counsel appearing on both the sides and meticulously perused the material available on record.

6. The appellant filed the petition under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.10,00,000/- with interest at 12% per annum. In order to prove the claim, the appellant examined himself as PW1 and also got examined Dr.Sridhar Shetty as PW2 and got marked the documents as Exs.P1 to P15. Considering the averments made in the claim petition and the evidence on record, the Tribunal awarded total compensation of Rs.1,85,972/- along with the interest at the rate of 6% per annum.

7. Now the appellant has filed an application under Order XLI Rule 27 of CPC seeking to produce the medical bills claiming to have been incurred after the adjudication



of the dispute before the Tribunal. The affidavit accompanying the application indicates that the appellant-claimant has undergone further treatment in the hospital and those bills are now produced. Now, the respondent-Insurance Company is opposing to accept the said bills on its face value and seeks to remand the matter and further submits that the Insurance Company cannot be saddled with interest for the fault on the part of the appellant.

8. In view of the submission on both the sides, I am of the considered view that the interest of justice would be met if the matter is remanded back to the Tribunal to consider the documents now sought to be produced by the appellant. Insofar as the contention of the learned counsel for the respondent-Insurance Company that the Insurance Company cannot be saddled with interest for the fault on the part of the appellant is concerned, in my considered view the said issue is also required to be considered by the Tribunal after a detailed enquiry. Hence, I proceed to pass the following:



ORDER

- i. Appeal is allowed-in-part.
- ii. The judgment and award dated 18.12.2018 passed in MVC.No.1164/2017 by the II Additional Senior Civil Judge & CJM, Mangaluru, D.K. is set aside and the matter is remitted back to the Tribunal with a direction to consider the matter afresh after providing opportunity to both the sides to adduce evidence afresh.
- iii. The appellant is permitted to produce the bills now sought to be produced along with I.A.No.1/2022 before the Tribunal.
- iv. Registry shall return the original documents enclosed along with I.A.No.1/2022 to the learned counsel for the appellant by substituting with the photocopy of the same.
- v. I.A.No.1/2022 is disposed of.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE