



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.3102 OF 2018 (MV-I)

BETWEEN:

1. KUMARI PRAKRUTHI,
D/O VINODA,
AGED ABOUT 22 YEARS,
STUDENT,
R/O ANGADI VILLAGE,
GONIBEEDU HOBLI,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT.

...APPELLANT

(BY SRI. MOHAN K.N., ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. RAJU B.M.,
S/O MANJIAH,
AGED ABOUT 56 YEARS,
R/O BETTADAMANE VILLAGE AND POST,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT,
DRIVER OF LORRY
BEARING REG.NO.KA-21/A-9689,
BADGE NO.3286/M/CAB/26260/HTV,
D.L.NO.KA19 19940000269.
2. H.M.RAMACHANDRA,
S/O MARLE GOWDA,
AGED ABOUT 63 YEARS,
R/O JANNAPURA VILLAGE AND POST,



NC: 2026:KHC:17510
MFA No. 3102 of 2018

GONIBEEDU HOBLI,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT,
OWNER OF LORRY
BEARING REG.NO.KA-21/A-9689.

3. THE BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD.,
YASHORAM CHAMBERS,
RATHNAGIRI ROAD,
CHIKKAMAGALURU-577101
POLICY NO.604901/31/12/630005604
VALID FROM 21.12.2012 TO 20.12.20213.

...RESPONDENTS

(BY SRI. H.S.LINGARAJU, ADVOCATE FOR R3;
VIDE ORDER DATED 13.12.2022,
NOTICE TO R1 AND R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 24.10.2017
PASSED IN MVC NO.57/2015 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC, MACT, MUDIGERE, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR FINAL HEARING 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 challenging the
judgment and award dated 24.10.2017 passed in MVC
No.57/2015 by the Senior Civil Judge and JMFC, MACT,
Mudigere (for short, Tribunal').



2. Heard Sri Mohan K.N., the learned counsel for the appellant and Sri H.S. Lingaraju, the learned counsel for respondent No.3.

3. The appellant has suffered injuries in a road accident dated 24.09.2013 and she filed a claim petition. In order to establish the claim, she examined herself as P.W.1, got examined Dr. Vishnu Kiran as P.W.2 and got marked Ex.P.1 to Ex.P.23. The respondents adduced oral and documentary evidence. The Tribunal considering the medical expenses of Rs.47,296/-, awarded global compensation of Rs.1,00,000/- with interest at the rate of 6% per annum. It is to be noticed that P.W.2 has not assessed the disability nor the claimant has produced disability certificate. Hence, the question of awarding compensation under the head of loss of future income due to disability would not arise. It is to be noticed that the appellant was provided treatment at M.G.M. Hospital, Mudigere and thereafter at Father Mullers Hospital, Mangalore and she was an inpatient from 24.09.2013 to 28.09.2013. The wound certificate Ex.P.5 indicates that the appellant has sustained 5 x 1 x 1 cm.



laceration over lower lip and chin, 2 x 1 x 1 cm. laceration over upper lips and incisor canine upper and lower lost.

4. The aforesaid injuries can be corroborated to Ex.P.7 discharge summary and other medical evidence on record. The Tribunal considering the medical bills, awarded Rs.47,296/- towards the medical expenses. In total it has awarded Rs.1,00,000/- including the medical expenses incurred by the claimant. In my considered view, the award of compensation by the Tribunal to the aforesaid injuries is on the lower side. Taking note of the nature of injuries suffered by the appellant to her lips, upper canine and lower canine and on the face, this Court has to take note of the fact that the claimant is a girl aged about 19 years and there would be a scar on her face. The said scar may affect her marriage prospects. Considering the nature of treatment provided and the injuries suffered, I am of the considered view that awarding an additional sum of Rs.1,00,000/- as compensation to the appellant would meet the ends of justice.

5. In the result, this Court proceeds to pass the following:



ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The impugned judgment and award dated 24.10.2017 passed by the Tribunal in M.V.C.No.57/2015 is modified to an extent that the appellant-claimant would be entitled to additional compensation of Rs.1,00,000/-.
- (iii) The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till realisation.
- (iv) The respondent No.3-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.
- (v) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- (vi) Draw modified award accordingly.

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