



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. 6895 OF 2024 (MV-I)

BETWEEN:

1. B. R. SANTHOSH @ SANTHOSH KUMAR
S/O RENUKARYA,
AGED ABOUT 36 YEARS,
R/O ALDUR HOSAHALLI,
ALDUR HOBLI,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALUR DISTRICT.

...APPELLANT

(BY SRI. GIRISH B BALADARE.,ADVOCATE)

AND:

1. SRIRAM GENERAL INSURANCE COMPANY LIMITED
BRANCH OFFICE,
CHIKKAMAGALURU CITY - 577101.
2. THE MANAGER,
SRIRAM GENERAL INSURANCE COMPANY LIMITED,
BELEKKALLI,
BANNERGHATTA MAIN ROAD,
IAMB POST,
BANGALORE - 560076
3. SURESH C D
S/O DEVAIAH,
AGED ABOUT 35 YEARS,
DODDAMAGARAVALLI VILLAGE, ALDUR HOBLI,





CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT
- 577101.

4. SURESH D K.,
S/O KRISHNAIAH,
AGED ABOUT 35 YEARS,
DODDAMAGARAVALLI VILLAGE, ALDUR HOBLI,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT
- 577101.

...RESPONDENTS

(BY SRI.B.PRADEEP., ADVOCATE FOR R1 AND R2)
(V/O DATED NOLTICE TO R3 IS D/W)
(R4 SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.11.2018 PASSED IN MVC
NO.243/2016 ON THE FILE OF THE 1ST ADDITIONAL SENIOR
CIVIL JUDGE, AMACT, CHIKKAMAGALURU, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.



2. This appeal is filed by the appellant-claimant against the judgment and the award of the tribunal passed in MVC No.243/2016 dated 23.11.2018 by the I Additional Senior Civil Judge, Chikkamagaluru.

3. Injured-claimant met with an accident on 19.10.2015 and filed claim petition claiming compensation of Rs.2,50,000/-. The tribunal considering the entire evidence on record granted Rs.17,007/- with interest at the rate of 6% per annum from date of petition till realisation.

4. Aggrieved by the said award, appellant/claimant preferred an appeal and contended that the tribunal granted compensation of Rs.17,007/- which is meager, and also contended that the permit was not in force as on the date of accident and directed owner and driver to deposit the compensation amount and thus exonerated the Insurance Company. Against the said judgment and award, appellant/claimant preferred this



appeal and mainly contended that it is a permit violation and thus requested for pay and recovery and also requested for enhancement of the compensation.

5. Though it is stated that petitioner was working as a coolie and earning Rs.15,000/- per month, he has not filed any income proof. As he met with the accident in the year 2015, his national income is to be taken as Rs.9,000/- per month. He was aged 28 years. He sustained the following injuries which are simple in nature as per Ex.P6 - wound certificate.

1. Scalp injury - temporal region measuring 3 X 1 cm. Deep lacerated wound bleeding.

2. Incised wound over left foot measuring 2 X 3 cm.

6. He produced medical bills under Ex.P7 to Ex.P17 to an extent of Rs.8,007/- and the said amount is granted towards medical expenses. Considering the fact that they are simple injuries and he was hospitalized for a period of 2 days. This Court finds it reasonable to grant an amount of Rs.8,000/- for pain and sufferings, Rs.5,000/-



for loss of amenities and Rs.10,000/- for transportation, extra nourishment and attending charges.

7. The total compensation comes to Rs.8,007/- +Rs.8,000/- + Rs.5,000/-+ Rs.10,000/- = Rs.31,007/-.

8. Thus, in all, the claimants are entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Towards pain and sufferings	8,000.00
2.	Towards medical expenses	8,007.00
4.	Loss of amenities	5,000.00
5.	Transportation, extra nourishment and attending charges	10,000.00
	TOTAL	31,007/-

9. The Tribunal has awarded the compensation of Rs.17,007/- but the appellant/claimant is entitled to total compensation of Rs.31,007/-. Compensation is enhanced from Rs.17,007/- to Rs.31,007/-.

10. Accordingly, I proceed to pass the following:



ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The judgment and award passed by the Tribunal in MVC No.243/2016 dated 23.11.2018 by the I Additional Senior Civil Judge, Chikkamagaluru is hereby modified holding that the claimant is entitled for total compensation of Rs.31,007/- along with interest @ 6% p.a.
- iii. As it is a permit violation, as per the citation, reported in ***Pappu and others V/s Vinod Kumar Lamba and another***, this Court finds it is good to invoke the concept of pay and recovery. Therefore, Insurance company/Respondent No.1 is directed to deposit the compensation amount within 1 month from the date of this order.
- iv. Insurance company is at liberty to recover the same from owner of the vehicle by due process of law.
- v. On such deposit, appellant/petitioner is permitted to withdraw the entire amount along with interest on the said amount.



NC: 2026:KHC:11456
MFA No. 6895 of 2024

- vi. Appellant is not entitled for interest for delay of 1352 days as per the order in IA.No.1/2024 dated 23.02.2026.
- vii. Ordered accordingly.

Sd/-
(P SREE SUDHA)
JUDGE

RCK
List No.: 1 SI No.: 33