



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO.207552 OF 2025 (MV-I)

C/W

MISCL. FIRST APPEAL NO.200206 OF 2026 (MV-I)

IN MFA NO.207552/2025:

BETWEEN:

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE COMPANY
LIMITED, GUNJ ROAD,
RAICHUR
THROUGH ITS DIVISIONAL MANAGER,
KANDOR MAAL, SVP CIRCLE,
KALABURAGI-585 102.

...APPELLANT

(BY SRI MANVENDRA REDDY, ADVOCATE)

AND:

1. MALLESH @ MALLESHAPPA
S/O DURGAPPA,
AGE: 81 YEARS,
OCC: AGRICULTURE NOW NIL,
R/O. YERDONA VILLAGE,
TQ. LINGASUGUR,
NOW R/O. L.B.S. NAGAR,
RAICHUR-584 101.

Digitally signed by
BASALINGAPPA S
D

Location: HIGH
COURT OF
KARNATAKA



2. BASAPPA S/O HUSENAPPA,
AGE: 43 YEARS, OCC: OWNER & RIDER OF
MOTORCYCLE BEARING NO.KA-36/EB-2858,
R/O. YARADONA VILLAGE,
TQ. LINGASUGUR,
DIST. RAICHUR-584 115.

...RESPONDENTS

(BY SRI SANGANAGOUDA V. BIRADAR, ADV., FOR R1;
R2-NOTICE DISPENSED WITH V/O. DATED 24.03.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
M.V. ACT, PRAYING TO CALL FOR THE RECORDS AND SET
ASIDE THE JUDGMENT AND AWARD DATED 19.07.2025
PASSED BY THE III ADDL. SENIOR CIVIL JUDGE AND
MACT, AT RACIHUR IN MVC NO.240/2022 BY ALLOWING
THE APPEAL AS PRAYED FOR.

IN MFA NO.200206/2026:

BETWEEN:

MALLESH @ MALLESHAPPA
S/O DURGAPPA,
AGE: 81 YEARS, OCC: AGRICULTURE, NOW NIL,
R/O. YERDONA VILLAGE, TQ. LINGASUGUR,
NOW R/O. L.B.S. NAGAR,
RAICHUR.

...APPELLANT

(BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. BASAPPA S/O HUSENAPPA,
AGE: 43 YEARS, OCC: OWNER & RIDER OF
MOTOR CYCLE BRG NO.KA-36/EB-2858,



NC: 2026:KHC-K:2743
MFA No. 207552 of 2025
C/W MFA No. 200206 of 2026

R/O. YARADONA VILLAGE, TQ. LINGASUGUR,
DIST. RAICHUR- 584 122.

2. THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
GUNJ ROAD,
RAICHUR-584 102.

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE, FOR R2;
R1-NOTICE DISPENSED WITH V/O DATED 26.03.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, PRAYING TO ALLOW THE APPEAL AND MODIFY THE JUDGMENT AND AWARD DATED 19.07.2025 PASSED IN MVC NO.240/2022 BY THE III ADDL. SENIOR CIVIL JUDGE AND JMFC, MACT, RAICHUR BY ENHANCING THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

Though these appeals are listed for orders today, with the consent of both the parties, they are taken up for final disposal.



2. The appeal in MFA No.207552/2025 is filed by the Insurer and the appeal in MFA No.200206/2026 is filed by the claimant against the same judgment and award dated 19.07.2025 in MVC No.240/2022 of the III Addl. Senior Civil Judge and JMFC, Raichur [for short 'Tribunal'], wherein the Tribunal awarded compensation of Rs.2,28,552/- with interest at 6% per annum from the date of petition till realization, directing the Insurer to pay the same to the claimant. Being aggrieved by the same, the Insurer has prayed for reduction of the compensation, whereas, the claimant has prayed for enhancement of the compensation contending that the Tribunal has awarded a meager compensation.

3. The facts of the case are that the claimant was proceeding as a pedestrian on the extreme left side of Lingasugur-Kalaburagi Road near Barehannu Tota on 26.12.2021 at 12.20 p.m. At that time, the respondent No.1 being rider of Motorcycle bearing registration



No.KA-36/EB-2858 (offending vehicle) rode the same in rash and negligent manner and dashed against the claimant. Due to the said impact, the claimant fell down and sustained injuries and he was taken to the Government Hospital, Lingasugur and on the same day he was shifted to RIMS Hospital, Raichur, wherein he was treated as inpatient. He spent amount for treatment. Therefore, he filed a claim petition before the Tribunal against the respondents contending that the respondent No.1 being owner and the respondent No.2 being Insurer of the offending vehicle are jointly and severally liable to pay the compensation.

4. In spite of service of notice, the respondent No.1 did not appear before the Tribunal and he was placed ex-parte.

5. The respondent No.2/Insurer appeared through the counsel and filed written statement denying the accident and also the age, income and expenses



incurred by the claimant for medical treatment. It was contended that the respondent No.1 drove the offending vehicle without valid Driving License. It was also contended that there was delay in lodging the complaint which would show that a false case was registered against the respondent No.1 and therefore, the respondent No.2 is not liable to pay the compensation. Hence, the Insurer prayed for dismissal of the petition.

6. In support of the case of the claimant, he got himself examined as PW1 and produced documents at Exs.P1 to P7. On the other hand, the Insurer/ respondent No.2 examined two witnesses as RW1 and RW2 and produced documents at Exs.R1 to R6. The Tribunal after considering the evidence on record and hearing both the parties, awarded the compensation of Rs.2,28,552/- under relevant heads as under:



Pain and suffering	Rs.75,000/-
Loss of income during laid up period	Rs.44,650/-
Attendant charges, transportation and misc. expenses	Rs.52,400/-
Loss of amenities and Nutrition food	Rs.50,000/-
Medical expenses	Rs.6,502/-
TOTAL	Rs.2,28,552/-

7. Being aggrieved by the quantum of compensation, the Insurer and the claimant are before this Court in their respective appeals.

8. Heard the learned counsel for both the parties. Perused the relevant materials on record.

9. As submitted by the learned counsel for the respondent No.2/Insurer, the claimant did not produce any document to show that he was treated as inpatient in any hospital for any period. Even he did not examine the Doctor to prove his disability due to the injuries sustained in the accident. However, as per the Wound Certificate at Ex.P3, the claimant suffered cut wound



over the left hand, cut wound over right hand, abrasion over left shoulder and right parietal region. As submitted by the learned counsel for the Insurer, all those injuries were simple in nature.

10. The respondent No.2 produced Hospital Report as per Ex.R6. As pointed out by the learned counsel for the Insurer and also as forthcoming from the hospital report at Ex.R6, there is no mention that the claimant took treatment as inpatient in the concerned hospital. Further, as mentioned herein above, as per the wound certificate at Ex.P3, the injuries sustained by the claimants were simple in nature. It is pertinent to note that the claimant was aged 78 years as on the date of the accident. But as per the wound certificate at Ex.P3, the claimant was aged 81 years.

11. The Insurer examined the concerned doctor as R.W.2. The said doctor in his evidence clearly stated that the injuries suffered by the claimant were only



simple in nature. However, the learned counsel for the claimant has drawn the attention of this Court to the evidence in cross-examination of R.W.2, wherein the doctor stated that the due to injuries claimant would require two weeks time for recovery from the injuries suffered and there was also chance of claimant being affected with infection. But at this stage, it is relevant to note that the claimant was aged 78-81 years as on the date of the accident. There is no material forthcoming from the claimant to show that he suffered any grievous injury such as, fracture and that he took treatment as an in-patient in any hospital.

12. As submitted by the learned counsel for the respondent No.2, the compensation granted by the Tribunal under the heads 'pain and agony' at Rs.75,000/- and 'Attendant, transportation and miscellaneous expenses' at Rs.52,400/- are on the higher side. Having regard to the nature of the injuries



suffered by the claimant are simple injuries and he was treated as an out patient at the hospital, the compensation granted under the head 'pain and agony' at Rs.75,000/- is reduced to Rs.50,000/-. Further, the compensation granted under the head 'Attendant, transportation and miscellaneous expenses' at Rs.52,400/- is reduced to Rs.30,000/-. The compensation granted under other heads are just and proper and same remains intact.

13. On reassessment and re-determination, the computation of compensation awarded by this Court is as under:

Description	Awarded by the Tribunal	By this Court
Pain and suffering	Rs.75,000/-	Rs.50,000/-
Loss of income during laid up period	Rs.44,650/-	Rs.44,650/-
Attendant charges, transportation and misc. expenses	Rs.52,400/-	Rs.25,000/-
Loss of amenities and Nutrition food	Rs.50,000/-	Rs.30,000/-



Medical expenses	Rs.6,502/-	Rs.6,502/-
TOTAL	Rs.2,28,552/-	Rs.1,56,152/-

14. It is not in dispute that the respondent No.1 is owner/insured and the respondent No.2 is insurer of the offending vehicle and the insurance policy was valid as on the date of accident. Hence, both the respondents No.1 and 2 are jointly and severally liable to pay the compensation. Moreover, the respondent No.2 is vicariously liable to pay the compensation.

15. From the discussion made herein above, it is clear that the Insurer has made out sufficient ground to reduce the compensation amount. But the claimant has failed to make out any ground to enhance the compensation as sought for in his appeal. Therefore, the appeal filed by the Insurer deserves to be allowed in part. On the other hand, the appeal filed by the claimant is liable to be dismissed.



16. In the result, I proceed to pass the following:

ORDER

- a) The appeal filed by the appellant/petitioner in MFA No.200206/2026 is ***dismissed***.
- b) The appeal filed by the appellant/Insurance Company in MFA No.207552/2025 is **allowed in part**.
- c) The judgment of the Claims Tribunal is modified.
- d) The petitioner is entitled to reduced compensation of Rs.1,56,152/- as against Rs.2,28,552/-, awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization.
- e) The respondent – Insurance Company is directed to deposit the compensation amount with interest at 6% p.a. from the date of petition till realization, within a period of one month from the date of receipt of copy of this judgment.
- f) On deposit, the entire compensation amount shall be released in favour of the claimant after due verification.



NC: 2026:KHC-K:2743
MFA No. 207552 of 2025
C/W MFA No. 200206 of 2026

- g) The amount in deposit, if any, is ordered to be transferred to the concerned Tribunal.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS-para 1 to 6
BL-para-7 to end
List No.: 1 Sl No.: 7
CT: SB