

**Naveen vs Manjunath**

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**SooperKanoon Citation :** [sooperkanoon.com/1604693](https://sooperkanoon.com/1604693)

**Court :** Karnataka Dharwad

**Decided On :** Oct-31-2025

**Judge :** Chillakur Sumalatha

**Appeal No. :** MFA/102613/2015

**Appellant :** Naveen

**Respondent :** Manjunath

**Judgement :**

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 31ST DAY OF OCTOBER 2025 BEFORE THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA MISCELLANEOUS FIRST APPEAL NO. 102613 OF 2015 (MV-D) BETWEEN: KUMAR NAVEEN S/O. SHAMBULINGANAGOUDA @ SHAMBULINGAPPA BASANAGOUDRA, AGE: 10 YEARS, OCC: STUDENT, SINCE MINOR R/BY M/G NATURAL FATHER, SHAMBULINGANAGOUDA @ SHAMBULINGAPPA S/O. GADIGEPPAGOUDA BASANAGOUDRA, AGE: 45 YEARS, OCC: AGRICULTURIST, R/O: ALADAKATTI, TQ: & DIST: HAVERI. APPELLANT GIRIJA A. BYAHATTI (BY SRI. NAVEEN

CHATRAD, ADVOCATE) Digitally signed by GIRIJA A. BYAHATTI  
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH Date:  
2025.11.05 12:39:15 AND: +0530

1. MANJUNATH S/O. VEERANNA MALLAJJI, AGE: MAJOR, OCC:  
BUSINESS, C/O: SUBHASH H. MALLUR, R/O: HAVANUR, TQ: & DIST:  
HAVERI. -2-

2. THE AUTHORIZED SIGNATORY,

ROYAL SUNDARAM GENERAL INSURANCE CO. LTD., NEW  
COTTON MARKET, HUBBALLI. RESPONDENTS (BY SRI. G.N.  
RAICHUR, ADVOCATE FOR R2; NOTICE TO R1 IS SERVED) THIS  
MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES  
ACT, 1988, PRAYING TO ALLOW THIS MISC. FIRST APPEAL AND  
ENHANCE THE COMPENSATION AS PRAYED FOR IN CLAIM  
PETITION BY MODIFYING THE JUDGMENT AND AWARD 02.05.2012  
PASSED BY THE LEARNED ADDITIONAL SENIOR CIVIL JUDGE  
AMACT, HAVERI IN M.V.C.NO.249/2011, IN THE INTEREST OF  
JUSTICE AND EQUITY. THIS APPEAL COMING ON FOR ADMISSION  
THIS DAY,

## **JUDGMENT WAS DELIVERED THEREIN AS UNDER:**

-3- CORAM: THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

## **ORAL JUDGMENT**

(PER: THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA) Heard  
Sri.Naveen Chatrad, learned counsel for the appellant who appears before this  
Court physically. Also heard Sri.G.N.Raichur, learned counsel for respondent No.2  
who appears through video conference.

2. This appeal is the outcome of the award that is

passed by the Additional Motor Accident Claims Tribunal, Haveri (hereinafter referred to as the Tribunal for brevity) in M.V.C. No.249/2011 dated 02.05.2012. The appellant who was admittedly aged around 6 years as on the date of accident, filed a petition claiming compensation of Rs.16,00,000/- in total. The Tribunal through the impugned award granted a sum of Rs.1,49,429/- as compensation. The version of the appellant is that he is entitled to a higher sum. -4-

3. Sri.Naveen Chatrad, learned counsel for the

appellant submits that the appellant sustained two grievous injuries in a road traffic accident. Due to the injuries sustained, he became permanently and completely disabled. That apart, he took treatment as inpatient for a period of 21 days. During the period of taking treatment as inpatient and even thereafter, his parents were attending him. But the Tribunal did not consider the aspect of loss of earnings of the parents during that period. Learned counsel states that the compensation granted by the Tribunal towards pain and suffering, towards attendant charges and towards loss of amenities is on lower side. Learned counsel ultimately seeks for enhancement in compensation.

4. Per contra, Sri.G.N.Raichur, learned counsel for

respondent No.2 submits that the appellant failed to produce any evidence to establish the alleged disability on his part and the percentage of disability if any. Learned counsel further states that the Tribunal awarded huge sum of Rs.1,49,429/- as compensation. But in the light of the -5- submission that is made by the learned counsel for the appellant, there may be marginal enhancement.

5. By all the evidence produced the appellant

succeeded in establishing that he sustained fracture of right clavicle and fracture of orbital bone. However the appellant failed to establish the alleged physical disability. The Tribunal awarded a sum of Rs.40,000/- towards pain and

suffering, Rs.85,229/- towards medical expenses, Rs.4,200/- towards attendant charges and Rs.20,000/- towards loss of amenities. As rightly submitted by learned counsel for the appellant, during the period of treatment as inpatient that is

for a period of 21 days and thereafter for a considerable period, the parents of the appellant would have been attending him day and night. The Tribunal did

not award any compensation toward food and extra nourishment charges. Also the Tribunal failed to award any compensation towards the conveyance charges which the appellant would have incurred during the course of treatment. Thus, considering these facts this Court is of the -6- view that the compensation that is granted by the Tribunal is required to be enhanced by Rs.40,000/-. Therefore, the appeal is disposed of with the following:

## **ORDER**

(i) The appeal is allowed in part.

(ii) The compensation that is granted by the Additional Motor Accident Claims Tribunal, Haveri through orders in M.V.C. No.249/2011 dated 02.05.2012 is enhanced by Rs.40,000/-.

(iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit except for the period of delay of 1101 days as per orders in I.A. No.1/2015.

(iv) The order of the Tribunal in respect of pay and recovery applies to enhanced sum as well. -7-

(v) On such deposit, the appellant is permitted to withdraw the entire amount subject to producing sufficient proof that he attained the age of majority. Sd/-  
(CHILLAKUR SUMALATHA) JUDGE RH CT-MCK List No.: 1 Sl No.: 14