



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 4261 OF 2020 (MV-I)

BETWEEN:

1. MUKUNDARAO B N,
S/O NARAYANARAO B,
AGED ABOUT 56 YEARS,
R/AT NO.35, SAPTHAGIRI,
2ND CROSS, THAVAREGERE,
EAST LAYOUT, RAMAMANDIRA ROAD,
MANDYA - 571 436.

...APPELLANT

(BY SRI. PRAMOD R., ADVOCATE)

AND:

1. THE DIVISIONAL CONTROLLER,
K S R T C,
KSRTC BUS STAND,
MANDYA - 571 408.

...RESPONDENT

(BY SRI.K.NAGARAJA., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.22.10.2018 IN MVC NO.1735/2016 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MACT, MANDYA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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by
SHARADAVANI
B
Location: High
Court of
Karnataka



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimant being aggrieved by the judgment and award dated 22nd October 2018, passed by the II Additional Senior Civil Judge and MACT, Mandya, (for short `Tribunal'), in MVC No.1735/2016, seeking enhancement of compensation.

Though this appeal is slated for admission, with the consent of learned counsel for both the sides, it is taken up for final disposal.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The brief facts of the case are that, on 09.08.2016, the claimant met with an accident while travelling in a bus bearing registration No.KA-57-F-0856. While he was alighting from the bus at Gundlpet, the



driver of the bus suddenly drove the vehicle in a negligent manner. As a result, he fell down and sustained fracture of right head of the femur. He underwent surgery and spent substantial amount towards medical expenses. He was an officer working in the New India Assurance Co. Ltd. Due to the injuries sustained in the accident, he has suffered permanent disability. With these reasons, he prayed to award compensation.

4. Respondent-insurer disputed the averments in the claim petition and denied its liability to pay the compensation and prayed to dismiss the claim petition.

5. From the rival contentions of the parties, the Tribunal framed necessary issues, for its determination.

6. The claimant to prove his case examined one witness as PW-1 and marked 17 documents, as per Exs.P-1 to P-17. Respondent has examined one witness as RW-1 and not led any documentary evidence.



7. The Tribunal after hearing both parties and appreciating the evidence on record, held that the accident occurred due to rash and negligent driving of the bus by its driver. The Tribunal has awarded the following amount of compensation:

Particulars	Amount in Rs.
Towards pain and sufferings	10,000/-
Towards medical expenses and future medical expenses	89,537/- 30,000/-
Towards nourishment, conveyance and attendant charges	11,000/-
Loss of amenities, life comforts and expectancy of life	10,000/-
<i>Total</i>	<i>1,50,537/-</i>

8. Being aggrieved by the said award, the claimant filed his appeal seeking enhancement of compensation.

9. I have heard the arguments and perused the materials available on record.



10. On re-appreciation of the materials, the amount of compensation awarded under the heads of pain and sufferings, attendant charges and loss of amenities are on the lower side, which requires to be enhanced.

11. The claimant had taken treatment in Apollo Hospital, Mysore and as per the diagnosis of the hospital, he had suffered an intertrochanteric fracture with AVN-right femoral head. He took treatment as an inpatient for five days and underwent surgery. PW-1 has stated about difficulties of movement of his right leg. His evidence is corroborated by the doctor, who confirmed that the fracture was partially united and the claimant is feeling difficult to walk, squat, lift the weight, climb the stairs etc., and he also stated that the claimant has been suffering from permanent disability to the right limb to an extent of 16%. In spite of the same, the Tribunal has only awarded Rs.10,000/- towards pain and suffering.



12. PW-1, in his evidence, has stated that after being discharged from the hospital, he was unable to attend to his daily activities and had to incur expenses for follow-up treatment. These aspects were not taken into consideration while awarding compensation. Based on the evidence of PW-1, it is clear that the claimant lost several amenities that would normally be available to a healthy person. No compensation was awarded under the head of loss of future earning capacity due to permanent disability, as he is a permanent officer employed with the LIC. Therefore, more amount of compensation shall be awarded under the head loss of amenities and expectancy of life.

13. Learned counsel for the appellant contends that, as per the doctor's evidence, the future medical expenses required for removal of the implants were estimated at Rs. 60,000/-. However, the Tribunal has awarded only Rs. 30,000/- towards future medical expenses. If the appellant is an officer in LIC, there is a possibility that such expenses may be reimbursed. In these circumstances,



unless the appellant furnishes a certificate stating that he will not claim any reimbursement, the full amount cannot be granted. No such certificate has been produced. Therefore, the said contention of the learned counsel for the appellant is not accepted. For the aforesaid discussions, the claimant is entitled to the following amount of compensation:

Particulars	Amount in Rs.
Pain and sufferings	40,000/-
Medical expenses and future medical expenses	89,537/- 30,000/-
Special diet, conveyance and attendant charges	30,000/-
Loss of amenities	75,000/-
<i>Total</i>	<i>2,64,537/-</i>
<i>Amount awarded by the Tribunal</i>	<i>1,50,537/-</i>
<i>Enhancement-</i>	<i>1,14,000/-</i>

14. The claimant is entitled to interest on the said amount at the rate of 6% per annum from the date of claim petition till its realisation, excluding the delayed



period of 382 days in filing the appeal. Undisputedly, respondent is liable to pay the said amount.

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

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 22nd October 2018, passed in MVC.No.1735/2016, by the II Additional Senior Civil Judge and MACT, Mandya, stands modified;
- iii) The claimant is entitled to enhanced compensation of Rs.1,14,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization, excluding delayed period of 382 days in filing the appeal.
- iv) The appellant is an officer of Insurance Company. There may not be any chances of exploitation. Therefore, the entire enhanced amount shall be released in favour of the appellant, on due identification.
- v) Draw award accordingly.



NC: 2025:KHC:46686
MFA No. 4261 of 2020

Registry is directed to send back the records along
with a copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 24