



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 2905 OF 2022 (MV-I)

BETWEEN:

SHUKURSAB
S/O LATIF SAB
NOW AGED ABOUT 63 YEARS
R/AT NEAR PUSHPANJALI TALKIES
1ST CROSS, VISHVESHWARAIHAH
EXTENSION, HIRIYUR TOWN
CHITRADURGA DISTRICT - 577 599.

...APPELLANT

(BY SRI. RANGEGOWDA N.R, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KSRTC, NWKRTC
DIVISIONAL OFFICER,
NAVANAGARA, BAGALKOTE DISTRICT
BAGALKOTE - 587 103.

2. THE CHAIRMAN
INTERNAL INSURANCE FUND
KSRTC DOUBLE ROAD
SHANTHI NAGAR
BANGALORE - 560 027.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R1;
R2 IS SERVED AND UNREPRESENTED)

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by
SHARADAVANI
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Location: High
Court of
Karnataka



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.02.2022 PASSED IN MVC NO.219/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, JMFC, CHITRADURGA DISTRICT, HIRIYUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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 18th February 2022, passed by the Senior Civil Judge and Additional MACT, JMFC, Chitradurga District, Hiriyr (for short `Tribunal'), in MVC No.219/2019, seeking enhancement of compensation.

Though this appeal is listed for admission, with the consent of both the parties 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 08.07.2018, at about 6 a.m., the claimant met with an accident by involvement of the bus bearing registration No.KA-29-F-1390. As a result, the claimant sustained grievous injuries and has suffered permanent disability. With these reasons, prayed to award the compensation.

4. The respondents denied the averments made in the claim petition 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 two witnesses as PW-1 and PW-2 and marked 11 documents, as per Exs.P-1 to P-11. Respondents examined one witness as RW-1 and marked documents as Exs.R-1 and R-2.

7. The Tribunal after hearing both parties and appreciating the evidence on record, awarded the following amount of compensation:



Particulars	Amount in Rs.
Pain and sufferings	40,000/-
Loss of amenities	13,500/-
Loss of future earnings	1,59,000/-
Loss of income during laid up period	26,500/-
Medical expenses	6,206/-
Attendant and Misc. expenses	27,000/-
<i>Total</i>	<i>2,72,206/-</i>

8. Learned counsel for the appellant submits that the amount of compensation awarded under all the heads except loss of future earning capacity is on the lower side. The claimant sustained fractures of left ankle, tibia and fibula, which is causing him very much difficulty to walk and do his regular pursuits. However, the Tribunal has not considered the same and has not awarded a just amount of compensation under the head loss of amenities. Due to the injuries sustained by him, the claimant was not able to work at least for a period of 6 months. The Tribunal has awarded compensation under the head loss of income during laid up period only for two months, which is on the



lower side. Therefore, prayed to enhance the compensation.

9. On re-appreciating the materials available on record, the age of the claimant, nature of injuries and disability etc., the claimant is entitled to enhancement of global compensation of **Rs.50,000/-** on all the heads.

10. The claimant is also entitled to interest on the said amount at the rate of 6% per annum from the date of claim petition till its realisation. Undisputedly, respondents are liable to pay the said amount.

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

ORDER

i) The Appeal is ***allowed in part.***

ii) The judgment and award dated 18th February 2022, passed in MVC.No.219/2019, by the Senior Civil Judge and Additional MACT, JMFC, Chitradurga District, Hiriyur, stands modified;



iii) The claimant is entitled to enhancement of global compensation of Rs.50,000/-, with interest at the rate of 6% p.a., from the date of petition till its realization.

iv) The respondent No.1 - Insurance Company shall deposit the amount within a period of six weeks from the date of award.

v) The enhanced amount of compensation is marginal and the claimant appears to be more than 78 years of age. Therefore, entire amount is ordered to be released in favour of claimant on due identification.

vi) Draw award accordingly.

Registry is directed to send copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 17