



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 4533 OF 2021 (MV-I)

BETWEEN:

RAMASWAMY @ RAMASWAMY GOWDA
S/O LATE RAMEGOWDA
AGED 59 YEARS
R/AT HIRIKYATHANAHALLI VILLAGE
GAVADAGERE HOBLI 5711015
HUNSUR TQ, MYSURU DISTRICT.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR.,ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
KSRTC RURAL DIVISION
BANNIMANTAP
MYSURU - 570 015.

...RESPONDENT

(BY SMT. S NIRMALA., ADVOCATE)


Digitally signed by KORLAHALLI
BHARATHIDEVIKRISHNACHARYA
Location: HIGH COURT OF
KARNATAKA

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.07.2021 PASSED IN MVC NO.1395/2017 ON THE FILE OF THE PRINCIPAL JUDGE, COURT OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 30th July 2021, passed by the Principal Judge, Court of Small Causes and Motor Accidents Claims Tribunal, Mysuru (for short `Tribunal'), in MVC No.1395/2017, seeking enhancement of compensation.

Though this appeal is slated 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 26.10.2016 at about 06.45 a.m., the claimant was travelling as a passenger in a KSRTC bus belonging to respondent-corporation, bearing registration No.KA-09-F-5204, near Jadaganakoppalu on Hunsur to Mysuru Road; driver of the bus drove the vehicle in a rash and negligent



manner and hit an oncoming lorry bearing registration No.AP-02-TC-3375. As a result of impact, the claimant sustained fracture of left humerus. He underwent surgery and has suffered permanent disability. With these reasons, prayed to award the compensation.

4. The respondent-corporation denied the petition averments and denied entitlement of the claimant 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 9 documents, as per Exs.P-1 to P-9. Respondent has not examined any witness but marked documents as Exs.R-1 to R-3.

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 and awarded Rs.48,500/- as compensation.



8. Being dissatisfied with the award passed by the Tribunal, the claimant has preferred this appeal seeking enhancement.

9. Learned counsel for the appellant submits that the amount of compensation awarded by the Tribunal is on the lower side. Since the claimant was employed with the KSRTC, no amount of compensation has been awarded towards loss of future earning capacity due to permanent disability. Even the Tribunal has not properly considered his disability for assessment of loss of amenities and a very meagre amount has been awarded towards pain and suffering. Therefore, prayed to enhance the compensation.

10. Learned counsel for the respondent-corporation seriously opposed the said contention. It supported impugned judgment and award and prayed to dismiss the appeal on the ground that the Tribunal has awarded just compensation.



11. The Tribunal in paragraph No.10 of the impugned judgment mentioned about the injuries sustained by the claimant. In addition to abrasion and lacerated wounds, the claimant had also sustained a comminuted fracture of left humerus. He took treatment as inpatient from 26.10.2016 to 01.11.2016 and underwent surgery. It is not in dispute that the claimant received medical reimbursement. It is also not in dispute that he was an employee whose salary and rank remained unaffected. Therefore, the Tribunal has not awarded any amount of compensation towards loss of future earning capacity due to permanent disability. In such event, the Tribunal ought to have awarded more amount of compensation under the head loss of amenities, by which the Tribunal could have compensated said loss.

12. Undisputedly, the claimant was aged about 57 years at the time of accident. According to medical evidence i.e., evidence of PW.2, the claimant has suffered permanent disability of left arm at 39% and he has also



stated that for removal of implants, an amount of Rs.50,000/- is required. Looking at the materials available on record, the amount of compensation awarded by the Tribunal is on the lower side, which requires enhancement. Accordingly, the following amount of compensation is awarded:

Particulars	Amount in Rs.
Pain and sufferings	40,000/-
Special diet, conveyance and attendant charges	25,000/-
Loss of amenities and future unhappiness	1,50,000/-
Future medical expenses	25,000/-
<i>Total</i>	<i>2,40,000/-</i>
<i>Amount awarded by the Tribunal</i>	<i>48,500/-</i>
<i>Enhancement-</i>	<i>1,91,500/-</i>
Less: ex gratia payment	5,000/-
	<i>1,86,500/-</i>
Total enhanced amount	<i>1,87,000/-</i>

13. The learned counsel for respondent contends that the claimant is not entitled to interest on the future



medical expenses. The said contention is accepted. The claimant is entitled for interest on the enhanced amount of compensation at the rate of 6% p.a.

14. 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 30th July 2021, passed in MVC.No.1395/2017, by the Principal Judge, Court of Small Causes and Motor Accidents Claims Tribunal, Mysuru, stands modified;

iii) The claimant is entitled to enhanced compensation of Rs.1,87,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization, excluding Rs.25,000/- awarded towards future medical expenses.



iv) The respondent-corporation shall deposit the amount within a period of six weeks from the date of award.

v) The remaining portion of the award is not disturbed.

vi) Draw award accordingly.

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.: 13