



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 8122 OF 2022 (MV-I)

BETWEEN:

MR SANJITH SADANANDAN
S/O SADANANDAN P K
AGED ABOUT 28 YEARS
R/AT NETTANA BILINELE
PUTTUR TALUK, D K DISTRICT
PIN - 574 230.

...APPELLANT

(BY MS. POOJA PARVATHI, ADVOCATE FOR
SRI. RAVISHANKAR SHASTRY G., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C. BEJAI
MANGALURU, D K DISTRICT
PIN- 575 001

...RESPONDENT

(BY SRI. NAGARAJA K., ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.27.09.2022 PASSED IN MVC
NO.1316/2019 ON THE FILE OF THE III ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, MACT, MANGALURU, D.K, 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:

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



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 27th September 2022, passed by the III Additional Senior Civil Judge and Member, MACT, Mangaluru, D.K, (for short `Tribunal'), in MVC No.1316/2019, 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 25.05.2019 at about 05.35 p.m., the claimant while riding a motorcycle bearing registration No.KA-21-W-5373, met with an accident due to rash and negligent driving of a bus belonging to the respondent bearing registration No.KA-19-F-3246. As a result, the claimant sustained fracture of



right femur and other injuries. He underwent surgery and took treatment as an inpatient for ten days. He had spent substantial amount towards medical expenses and has suffered permanent disability. With these reasons, prayed to award compensation.

4. The respondent denied the petition averments 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 16 documents, as per Exs.P-1 to P-16. Respondent examined one witness as RW-1 but has not marked any documents.

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 the following amount of compensation:



Particulars	Amount in Rs.
Loss of earning capacity	2,51,899/-
Pain and sufferings	60,000/-
Medical expenses	1,39,195/-
Future medical expenses	50,000/-
Food, attendant and conveyance charges	27,500/-
Loss of income during treatment	42,000/-
Loss of amenities of life	15,000/-
<i>Total</i>	<i>5,85,594/-</i>

8. Being dissatisfied by the amount of compensation awarded by the Tribunal, the claimant preferred this appeal.

9. Heard the arguments.

10. The main contention of the claimant/appellant is that the amount of compensation awarded under all the heads are on the lower side. The Tribunal ought to have taken the disability as stated by PW.2. The income taken by the Tribunal is also on the lower side. Therefore, prayed to enhance the compensation.



11. Learned counsel for the respondent-corporation seriously opposed the contention of the appellant. Learned counsel further stated that the amount of compensation already awarded is on the higher side and even the Tribunal has not deducted interest on the future medical expenses. Therefore, prayed to dismiss the appeal and in addition to that prayed to deny the interest on the future medical expenses.

12. According to the petitioner/appellant, he was a technician and earning Rs.32,000/- per month. The Tribunal found that there were no materials to believe the said income. Therefore, the Tribunal following the chart prepared by the KSLSA, has taken the notional income of the claimant as Rs.14,000/- per month. There is no error in the said finding.

13. According to evidence of PW.2, the claimant has suffered permanent disability to an extent of 25%. The Tribunal in comparison to the whole body has taken disability at 8.33%, which is on the lower side and the



same has now been reassessed at 10%. The remaining factors, such as multiplier is not in dispute. On the basis of the same, the compensation under the head loss of future earning capacity due to permanent disability is recalculated.

14. On reconsideration of the materials available on record, the amount of compensation awarded under the head loss of amenities is on the lower side, which needs enhancement.

15. The Tribunal has awarded an amount of Rs.50,000/- towards future medical expenses. While awarding the interest, the Tribunal has not ordered that the claimant is not entitled for interest on the said amount, which was proposed to be spent in due course. Legally, the claimant is not entitled to interest on the said amount and hence, it needs modification.

16. For aforesaid discussions, the claimant is entitled to global enhancement of Rs.80,000/-, in



addition to whatever amount has already been awarded by the Tribunal. It is also made clear that the claimant is not entitled to interest on Rs.50,000/- awarded towards future medical expenses from the date of petition till its realization.

17. The claimant is entitled to interest at the rate of 6% per annum from the date of petition till its realization on the enhanced compensation and respectively respondent is liable to pay the same.

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

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The impugned judgment and award dated 27th September 2022, passed in MVC.No.1316/2019, by the III Additional Senior Civil Judge and Member, MACT, Mangaluru, D.K, stands modified;
- iii) The claimant is entitled to global enhancement of Rs.80,000/-, with interest at the rate of 6% p.a., from the date of petition till



its realization. The claimant is not entitled to interest on Rs.50,000/- awarded towards future medical expenses from the date of petition till its realization.

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

v) The enhanced amount of compensation is marginal. 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.: 13