

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.101545 OF 2014 (MV)

C/W

MISCELLANEOUS FIRST APPEAL NO.101546 OF 2014 (MV)

IN MFA NO.101545/2014:

BETWEEN:

ROHANSHETTY S/O. UDAYKUMARSHETTY
AGE: 20 YEARS, OCC: STUDENT,
R/O. 3RD CROSS, MRUTHYNJAYA NAGAR,
RANEBENNUR.

...APPELLANT

(BY SRI. AMOGH B. JOSHI, ADVOCATE FOR
SRI. S.L. MATTI, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
KSRTC HASAN DIVISION,
DIST: HASAN MANAGING DIRECTOR.

...RESPONDENT

(BY SRI. S.C. BHUTI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE ADDL. SR. CIVIL JUDGE AND ADDL. M.A.C.T., RANEBENNUR, DATED 06.07.2013 IN MVC NO.758/2012 BY ALLOWING THIS APPEAL AND AWARD THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION BEFORE THE TRIAL COURT IN THE ENDS OF JUSTICE AND EQUITY.

IN MFA NO.101546/2014:

BETWEEN:

UDAYKUMARSHETTY
S/O. GOPALSHETTY
AGE: 54 YEARS, OCC: RTD. BANK EMPLOYEE,
R/O. MRUTHNJAYA NAGAR, RANEBENNUR.

...APPELLANT

(BY SRI. AMOGH B. JOSHI, ADVOCATE FOR
SRI. S.L. MATTI, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
KSRTC HASAN DIVISION,
DIST: HASAN MANAGING DIRECTOR.

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THESE MISCELLANEOUS FIRST APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 30.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

These appeals are filed by the appellants/claimants seeking enhancement of compensation awarded by the Tribunal by common Judgment and Award dated 06.07.2013 in MVC No.757/2012 and MVC No.758/2012, passed by the Addl. Senior Civil Judge and Addl. MACT at Ranebennur (for short 'the Tribunal').

2. The parties are referred to as per their ranking before the Tribunal for easy reference.

The brief facts of the case are as under:

In MVC No.757/2012 (MFA No.101546/2014):

3. On 01.04.2012 at about 10.15 hours, when the petitioner and his son were traveling in a KSRTC bus bearing No.KA13/F-1666 from Ranebennur towards Shimoga as authorized passengers, the driver of the said bus alleged to have driven it in a rash and negligent manner so as to endanger human life and dashed against the motor cycle bearing No.KA-17/I-2507 and lost control over the bus as a result of which the bus toppled down due to which the petitioner sustained grievous injuries and was taken to

Mc.Gann Hospital, Shimoga and thereafter, shifted to Om Hospital, Ranebennur and he is said to have taken treatment as an inpatient for two months by spending more than Rs.20,000/- for his treatment and has to spend another Rs.10,000/- for further treatment. It is averred that before the accident he was hale and healthy and was earning Rs.20,000/- per month as a retired bank employee, but that due to the impact of the accidental injuries, he is said to have been permanently disabled. The accident in question was alleged to have been occurred solely due to the rash and negligent driving of the offending bus by its driver and respondent being the employer and self insurer of the said bus, is liable to compensate the petitioner. Hence, petitioner filed claim petition under Section 166 of the MV Act, seeking compensation of Rs.3,00,000/- together with interest at a rate of 12% p.a.

In MVC No.758/2012 (MFA No.101545/2014):

4. That the petitioner who is said to be the son of the petitioner in MVC No.757/2012 is said to have sustained

grievous injuries while he was proceeding in the offending bus and was shifted to Mc.Gann Hospital, Shimoga for first-aid treatment and thereafter, shifted to Om Hospital, Ranebennur and again taken to KMC Hospital, Manipal where he was operated and took treatment for about two months by spending more than Rs.75,000/- and still requires Rs.25,000/- for his further treatment. It is urged that before the accident he was bright in his studies, but due to the accidental injuries, he is alleged to have become permanently disabled. Hence, petitioner filed claim petition under Section 166 of the MV Act, seeking compensation of Rs.10,30,000/- together with interest at the rate of 12% p.a.

5. Upon service of notice, the respondent appeared and filed his written statement in both the cases denying the entire claim of the petitioners with regard to the occurrence of the accident due to rash and negligent driving of the offending bus by its driver and injuries sustained etc. It is contended that accident occurred not due to rash and

negligent act of the driver of the offending bus who was driving it slowly, but it was due to rash and negligent riding of the motor cycle which is involved in the accident by its rider, who was said to be under the influence of alcohol, thereby caused the accident.

6. On the basis of the pleadings of the parties in both the cases, the Tribunal framed issues and recorded the evidence. The petitioner was examined as PW-1 and mother of the petitioner in MVC No.758/2012 as his GPA holder has deposed before the Court as PW.2 and one witness is examined as PW.3 and got marked documents at Exs.P.1 to P.35. The respondent has examined one witness as RW.1, but no documents are marked from the respondent's side.

7. After hearing the parties and on perusal of the documents, the Tribunal has allowed the claim petitions in part and by a common Judgment and Award, awarded compensation of Rs.16,000/- in MVC No.757/2012 and Rs.1,41,800/- in MVC No.758/2012 with interest at the rate

of 7% per annum from the date of petitions till realization. The same is under challenge in these petitions.

8. Learned counsel for the petitioner/claimant in **MFA No.101545/2014 (MVC No.758/2012)** submitted that the claimant was a passenger of the KSRTC bus involved in the accident and due to rash and negligent driving of the driver of the KSRTC bus, the accident occurred and the claimant was admitted in the hospital as an inpatient for two months in two different hospitals and had to spend considerable amount towards his treatment and operation. Claimant was aged about 18 years on the date of the accident and was a bright student. He sustained fracture of right humerus mid shaft, which is grievous in nature and sustained 75% disability as per the certificate issued by the doctor. The accident has affected his studies and day to day life. The Tribunal erred in considering only 10% disability and taking Rs.3,000/- pm, notional income. As per the norms fixed by the KSLSA, as the accident is of the year 2012, notional income of Rs.6,500/- p.m., has to be

taken while determining the compensation. Further, it is submitted that loss of earning during laid up period has not been awarded. Compensation awarded under pain and suffering, loss of amenities and medical expenses are also on the lower side. Therefore, he prays for enhancement of compensation.

9. Learned counsel for the petitioner/claimant in **MFA No.101546/2014 (MVC No.757/2012)** submitted that the claimant was a passenger of the KSRTC bus involved in the accident and due to rash and negligent driving of the driver of the KSRTC bus, the accident occurred and the claimant sustained injuries in the accident and taken treatment. That claimant is a retired Bank Manager. He submitted that the Tribunal erred in awarding meager sums of Rs.10,000/- under the head pain and suffering, Rs.1,000/- towards medical expenses and attendant charges and a sum of Rs.5,000/- towards loss of amenities. Therefore, it is submitted that total compensation of Rs.16,000/- is on the lower side and requires enhancement.

10. The Tribunal has awarded compensation to the claimants as under:

MVC No.758/2012

1)	For Pain & Suffering	Rs.25,000/-
2)	Medical Expenses, food, diet Nourishment & Attendant Charges	Rs.42,000/-
3)	Loss of income during laid-up period	Rs.Nil
4)	Loss of Future Income on account of permanent Physical Disability	Rs.64,800/-
5)	Loss of Amenities and Enjoyment of Life	Rs.10,000/-
	Total	Rs.1,41,800/-

MVC No.757/2012

1)	For Pain & Suffering	Rs.10,000/-
2)	Medical Expenses, food, diet Nourishment & Attendant Charges	Rs.1,000/-
3)	Loss of income during laid-up period	Nil
4)	Loss of Future Income on account of permanent Physical Disability	Nil
5)	Loss of Amenities and Enjoyment of Life	Rs.5,000/-
	Total	Rs.16,000/-

11. Heard the learned counsel for the parties and perused the judgment and award of the Tribunal and material on record.

12. It is not in dispute that both the claimants have sustained injuries in the road traffic accident occurred on 01.04.2012 due to rash and negligent driving of the offending vehicle by its driver.

13. The appellant in **MFA No.101545/2014 (MVC No.758/2012)** was a medical student and sustained fracture of humerus mid shaft, which is grievous in nature. Therefore, he sustained 25% disability to the whole body. According to the guidelines issued by the Karnataka State Legal Services Authority, for accident occurred in the year 2012, notional income shall be taken at Rs.6,500/- p.m. The claimant is aged about 18 years at the time of the accident and multiplier applicable to his age group is '18'. Thus, the claimant is entitled for compensation of **Rs.3,51,000/-** (Rs.6,500/- x 12 x 18 x 25%) on account of 'loss of future income'.

14. The nature of injuries indicates that the claimant must have been under rest and treatment for a period of at least for three months. Consequently, the claimant is entitled for compensation of **Rs.19,500/-** (Rs.6,500/- x 3 months) under the head 'loss of income during laid up period'.

15. The claimant was hospitalized as an inpatient for more than 07 days in the hospital and subsequently received further treatment. Therefore, compensation of **Rs.25,000/-** is awarded under the head of 'food, nourishment, conveyance and attendant charges'.

16. Due to the accident, the claimant has suffered grievous injuries and also undergone surgery. Considering the prolonged pain during treatment as well as the permanent disability suffered, I am inclined to enhance the compensation awarded by the Tribunal under the head of 'pain and sufferings' from Rs.25,000/- to **Rs.35,000/-** and

under the head of 'loss of amenities' from Rs.10,000/- to **Rs.30,000/-**.

17. The appellant in **MFA No.101545/2014 (MVC No.758/2012)** who was a retired Bank Manager sustained simple injuries. Therefore, he would be entitled to compensation of Rs.20,000/- towards pain and suffering, Rs.10,000/- towards medical expenses, Rs.5,000/- towards loss of income during laid up period and a sum of Rs.10,000/- towards loss of amenities.

18. The appellant/claimant in **MFA No.101545/2014** is entitled to the following compensation:

1)	Pain and suffering	35,000/-
2)	Medical Expenses, Diet, Nourishment and Attendant Charges	25,000/-
3)	Loss of income during laid-up period	19,500/-
4)	Loss of future income on account of permanent physical disability 6,500x12x18x25%	3,51,000/-
5)	Loss of Amenities and Enjoyment of Life	30,000/-
	Total	4,60,500/-

19. The appellant/claimant in **MFA No.101546/2014** is entitled to the following compensation:

1)	Pain and suffering	20,000/-
2)	Medical Expenses, Diet, Nourishment and Attendant Charges	10,000/-
3)	Loss of income during laid-up period	5,000/-
4)	Loss of future income on account of permanent physical disability	---
5)	Loss of Amenities and Enjoyment of Life	10,000/-
	Total	Rs.45,000/-

20. In the result, the following order is passed:

ORDER

- a) The appeals are **allowed in part.**
- b) The common Judgment and Awarded dated 06.07.2013 in MVC No.757/2012 and MVC No.758/2012, passed by the Addl. Senior Civil Judge and Addl. MACT at Ranebennur, is modified.
- c) The appellant in **MFA No.101545/2014** is entitled to a total compensation of **Rs.4,60,500/-** with interest at the rate of 6% p.a., from the date of petition till

realization and the appellant in **MFA No.101546/2014** is entitled to total compensation of **Rs.45,000/-** with interest at the rate of 6% p.a., from the date of petition till realization.

- d) The Insurance Company is directed to deposit the compensation amount along with interest in both the cases from the date of filing of the claim petition till the date of realization, within a period of eight weeks from the date of receipt of copy of this judgment.
- e) Registry is directed to return the TCR along with a copy of this Judgment to the Tribunal, forthwith.

No order as to costs.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

Ct:VP

BNV