



CNR: KAHC010145382025

NC: 2026:KHC:48517
MFA No. 1630 of 2025
C/W MFA No. 724 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1630 OF 2025

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 724 OF 2025 (MV-I)

IN MFA No. 1630/2025

BETWEEN:

THE MANAGING DIRECTOR
KARNATAKA STATE ROAD TRANSPORT
CORPORATION (KSRTC), K.H. ROAD
BENGALURU - 560 027.
(OWNER OF KSRTC BUS BEARING
REG. No. KA-40-F-837)

NOW REPRESENTED BY
IT'S CHIEF LAW OFFICER.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

MR SRINIVASA T
S/O B. THYAGARAJU
AGED ABOUT 35 YEARS.
RESIDING AT No. 13-53



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UTUGOLLAPALLI, RAMASAMUDRAM
CHITTOOR DISTRICT
ANDHRA PRADESH-517 417.

...RESPONDENT

(BY SRI SHRIPAD V SHASTRI, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.06.2024 PASSED IN MVC No.775/2019 ON THE FILE OF THE IV ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, ADDITIONAL MACT, BENGALURU (SCCH-6), AWARDED COMPENSATION OF Rs.14,96,510/- WITH INTEREST AT 6 PERCENT P.A FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

IN MFA No. 724/2025

BETWEEN:

MR SRINIVASA T
W/O B THYAGARAJU
AGED ABOUT 34 YEARS
R/AT No.13-53, UTOGOLLAPALLI
RAMASAMUDRAM, CHITTOOR DISTRICT
ANDHRA PRADESH.

...APPELLANT

(BY SRI SHRIPAD V SHASTRI, ADVOCATE)

AND:

THE MANAGING DIRECTOR
KARNATAKA STATE ROAD
TRANSPORT CORPORATION
KSRTC, K H ROAD
BENGALURU -27.

...RESPONDENT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.06.2024 PASSED IN MVC No.775/2019 ON THE FILE OF THE IV ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, ADDITIONAL MACT, BENGALURU (SCCH-6), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS COMING ON FOR FINAL HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.1630/2025 is filed by KSRTC challenging quantum of compensation and MFA No.724/2025 is filed by claimant seeking enhancement of compensation awarded in the judgment and award dated 01.06.2024 passed in MVC No.775/2019 by IV Additional Judge, Court of Small Causes and Additional MACT, Bengaluru (SCCH-6).

2. The claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 03.10.2018 contending that the accident occurred due to rash and negligent



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driving of the driver of KSRTC bus bearing Regn.No.KA-40-F-837. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Attendant charges, extra nutritious food and conveyance charges	50,000/-
02.	Pain and sufferings	2,00,000/-
03.	Loss of income during laid up period	4,69,020/-
04.	Loss of future amenities, happiness and marriage prospects	2,00,000/-
05.	Medical expenses	5,30,490/-
06.	Future medical expenses	50,000/-
	Total	14,99,510/-

3. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed KSRTC to deposit the award amount with interest. The claimant has filed appeal seeking enhancement of compensation and the Corporation has filed appeal challenging quantum of compensation awarded by the Tribunal.



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4. Heard learned counsel for the claimant and learned counsel for Corporation.

5. Learned counsel for Corporation contended that the compensation awarded towards pain and suffering, loss of amenities and loss of income during laid up period is on higher side. The claimant has been admitted in the hospital for 16 days. The claimant has not assigned any reason for he resigning from the job. There is no basis for the Tribunal to award loss of income during laid up period for 30 months. The claimant might have resigned due to Covid-19 pandemic and subsequently rejoined on 16.02.2022. Considering the injuries sustained, the compensation awarded towards pain and suffering and loss of amenities is on higher side. With this, he prayed to allow appeal filed by the Corporation.

6. Learned counsel for the claimant would contend that the due to the injuries sustained i.e. right knee fracture, he could not continue his job and resigned and



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subsequently rejoined on 16.02.2022 and therefore, he did not get salary for 41 months and the same has been stated by PW.3 – employer of the claimant. The claimant as per Ex.P147- appointment letter was getting salary of Rs.17,145/- and Tribunal erred in taking the salary at Rs.15,634/- after deducting Rs.200/- of professional tax based on the bank account statement of the claimant. The compensation awarded by the Tribunal towards pain and suffering, loss of amenities, attendant and conveyance charges, medical expenses are just and proper. The claimant did not get salary for 41 months between 03.10.2018 to 16.02.2022 and the Tribunal has awarded loss of income during laid up period only for 30 months. PW.2 – Doctor has stated that the claimant requires Rs.8,000/- per year for applying Vaseline on skin graft area and considering the same, the claimant has to be awarded future medical expenses. The claimant has been fixed with implant and for removal of the same, he has to undergo surgery and for that he is also entitled for future



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medical expenses. With this he prayed to allow the appeal.

7. Having heard the learned counsels, this Court has perused the judgment, award and trial Court records.

8. The accident occurred 03.10.2018 and the claimant was aged 29 years as on the date of accident. The claimant was working as Accounts Executive in V.-Trans (India) Limited. Ex.P147 is the appointment letter of the claimant dated 11.05.2018 wherein his gross salary is Rs.17,145/-. The Tribunal has taken the salary of the claimant in a sum of Rs.15,834/- which is credited in the bank account of the claimant, statement of which is at Ex.P149. The Tribunal has deducted Rs.200/- towards professional tax and taken the income of the claimant as Rs.15,634/-. The credit of salary to the bank account is after deductions and therefore, the salary is to be taken based on the appointment letter - Ex.P147. As per Ex.P147 the claimant's gross salary is Rs.17,145/-. Out of



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the said gross salary, Rs.200/- is to be deducted towards professional tax. After deducting the same, the salary of the claimant is to be taken at Rs.16,945/-.

9. PW.3 is the employer of the claimant and in his evidence, he has stated that the claimant did not get salary for 41 months. Ex.R2 produced by the Corporation indicates that the claimant resigned in June 2020 and re-joined the job on 16.02.2022. PW.3 also stated that claimant has also not got salary for 41 months. The period from the date of accident i.e. 03.10.2018 and the date of the claimant re-joining the job on 16.02.2022 is 41 months. Therefore, the claimant is entitled to loss of income during laid up period for 41 months at Rs.16,945/- i.e. Rs.6,94,745/-. The claimant is entitled to loss of income during laid up period in a sum of Rs.6,94,745/- as against Rs.4,69,020/- awarded by the Tribunal.

10. The claimant has sustained fracture of knee and underwent operation and implant has been fixed and PW.2



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– Doctor has stated that claimant requires Rs.8,000/- per year for applying Vaseline on skin graft area. What is the period he requires to apply the said Vaseline has not been stated by the Doctor. The claimant has stated that implant has been fixed and for removal, he has to undergo operation and the cost of the same is Rs.80,000/-. PW.2 Doctor has not stated anything with regard to fixing of implant. PW.2 has stated that the claimant requires a sum of Rs.8,000/- per year for applying Vaseline. Even though the period is not stated, the claimant has to apply the same for several years. Considering the same, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.50,000/- is just and proper. The Tribunal based on the documents has rightly awarded medical expenses of Rs.5,30,490/-. The award of compensation towards attendant charges, extra nutritious food and conveyance charges by the Tribunal in a sum of Rs.50,000/- is also just and proper since the claimant has



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been admitted in the hospital for 16 days and he is admitted on 3 occasions.

11. Considering that the claimant sustained right digital end femur and tibial condyle fracture and that he has taken treatment for long period the compensation awarded towards pain and suffering and loss of amenities in a sum of Rs.2,00,000/- each, is just and proper. In view of the above, the claimant is entitled to enhanced compensation of Rs.2,25,725/- (Rs.6,94,745-Rs.4,69,020) with interest @ 6% p.a. from the date of petition till realisation. The Corporation is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

ORDER

- (i) The appeal filed by the Corporation in MFA No.1630/2025 is dismissed.
- (ii) The appeal filed by the claimant in MFA No.724/2025 is allowed in part.



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- (iii) The claimant is entitled to enhanced compensation of Rs.2,25,725/- with interest @ 6% p.a. from the date of petition till realization.
- (iv) The KSRTC shall deposit the said enhanced compensation with interest before the Tribunal within six weeks from this day.
- (v) Office is directed to transfer the amount in deposit to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 13
Ct.sm