



CNR: KAHC010057082021

NC: 2026:KHC:52126
MFA No. 998 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 998 OF 2021

(MV-I)

BETWEEN:

1. HARISHA G. B.,
S/O. BETTAIAH B.,
AGED ABOUT 34 YEARS,
R/AT NO.15, GULYA VILLAGE,
PURUSANAHALLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT - 560 057.

Digitally
signed by
SUSHMA
LAKSHMI
B.S.
Location:
High Court
of
Karnataka

...APPELLANT

(BY SRI. SATHEESH H. K., ADVOCATE)

AND:

1. THE MANAGER,



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KSRTC,
SHANTHINAGAR,
BENGAULRU – 560 027.

...RESPONDENT

(BY SMT. RENUKA H. R., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 12.06.2020, PASSED
IN MVC.NO.7455/2018, ON THE FILE OF THE VI
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, A.C.M.M.
AT BENGALURU (SCCH-2), DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This appeal has been filed by the claimant/appellant seeking enhancement of compensation, being aggrieved by the judgment and award dated 12.06.2020 passed in MVC No.7455/2018 on the file of the Motor Accident Claims Tribunal (SCCH-2) at Bengaluru (for short, 'Tribunal'), dismissing the claim petition.

Brief facts of the case:

2. On 17.08.2018, at about 09.00 a.m., the appellant was boarding the bus. However, the driver of the bus moved the bus without noticing that the injured was stepping into the bus. Consequently, the injured fell down from the bus. The rear wheel of the bus ran over his right leg and caused grievous injuries. The injured was shifted to Nelamangala Government Hospital, thereafter, he was shifted to Suguna Hospital, Bengaluru, wherein he took treatment as an inpatient for a period of one week. Thereafter, a claim petition was filed before the Tribunal. The Tribunal dismissed the claim petition.

3. Heard Sri Satheesh H.K., learned counsel for appellant and Smt Renuka H.R., learned counsel for respondent.



4. The submission of the learned counsel for the appellant is that the Tribunal has ignored the evidence of the witnesses on considering the admission of P.W.1 that he was trying to board the bus before it could stop in the bus stand. The admission cannot be considered as a license to the driver of the bus to cause harm to anybody. The driver could have seen the consequences at the time of parking the vehicle. Since the driver of the bus acted negligently while parking the bus, resulted in causing injury to the appellant. Due to said injury, the appellant has not only sustained fracture injury, but also lost his earning capacity. Therefore, the Tribunal ought to have considered the facts and circumstances of the case in the context of the provisions of the Act and ought to have passed an appropriate award in accordance with law. Having failed to consider the intention of the Legislature, resulted in passing the impugned judgment. Therefore, the appeal may be allowed and the injured may be awarded compensation in order to secure the ends of justice, is the submission of the learned counsel for the appellant.



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5. *Per contra*, learned counsel representing the respondent No.2 – Insurance Company vehemently submitted that the Tribunal has rightly dismissed the claim petition on considering the evidence of P.W.1. In fact, the accident occurred not due to any negligence on the part of the bus driver, but solely due to the negligence of the injured person. Therefore, the question of granting any relief would not arise. Making such submissions, learned counsel for respondent No.2 – Insurance Company prays to dismiss the appeal.

6. Having heard learned counsel for the respective parties and also on perusal of the findings of the Tribunal, it is necessary to state that, a complaint came to be registered against the driver of the offending bus for the offence under Sections 279 and 337 of Indian Penal Code. The jurisdictional police have submitted a final report as per Ex.P10. Filing of the charge sheet clearly indicates that the driver of the offending vehicle has committed negligence, as a result of which, the injured sustained grievous injury. Merely because, P.W.1 being a rustic person not able to understand the consequences, admitted in his evidence that he was trying to board the bus



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before it could stop, cannot nullify the accident occurred and injured has lost his leg. Therefore, the liability of the respondent cannot be absolved. Even assuming that contributory negligence is to be attributed to the claimant, the liability of the insurer of the offending vehicle cannot be absolved on that ground alone. Therefore, the findings of the Tribunal has to be set aside and compensation has to be determined as under.

7. The accident occurred on 17.08.2018. The appellant was working as a helper in Himalayan Drug Company at Makali and he was earning Rs.13,000/- p.m. However, he has not produced any documents to substantiate the same. Therefore, the notional income is required to be considered as per the chart.

8. P.W.2 Doctor assessed the disability at 31% of lower limb and whole body disability at 15.5%. For the whole body disability, $1/3^{\text{rd}}$ to be deducted. Therefore, the disability comes to 10%.

9. It is also stated in the record that the appellant had undergone surgery and he was there in the hospital as an



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inpatient for 3 days. The medical bills would indicate that he has spent Rs.1,18,021/-.

10. On considering all these aspects, it is relevant to consolidate the compensation under different heads in the table given below:

Sl.No.	Particulars	AWARD AMOUNT (In Rupees)
01	Pain and suffering	40,000
02	Loss of future income due to disability (12,500 x 12 x 16 x 10%)	2,40,000
03	Loss of earnings during the period of treatment 12,500 x 3 months	37,500
04	Food, nourishment and conveyance	10,000
05	Loss of amenities	30,000
06	Medical expenses	1,18,021
07	Future medical expenses for removal of implants	25,000
	TOTAL	5,00,521

The amount will carry 6% interest per annum.



11. In the light of the observations made above, I proceed to pass the following:-

ORDER

- i) Miscellaneous First Appeal is *allowed in part*.
- ii) The judgment and award dated 12.06.2020 passed in MVC No.7455/2018 on the file of the Motor Accident Claims Tribunal (SCCH-2) at Bengaluru, is set aside, granting compensation of Rs.5,00,521/- (Rupees Five Lakhs Five Hundred and Twenty-one only) with interest at the rate of 6% per annum from the date of this appeal till realization.
- iii) The respondent is directed to deposit 50% of the award amount within a period of eight weeks from the date of receipt of copy of this order along with interest at the rate of 6% per annum from the date of filing of this appeal till its realization.
- iv) The Tribunal has to release the amount to the appellant on proper identification, on deposit being made by the respondent.



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- v) The Registry is directed to communicate the order to the Tribunal and send the records to the Tribunal forthwith.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 SI No.: 35