



CNR: KAHC010074582021

NC: 2026:KHC:45055
MFA No. 5359 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5359 OF 2021(MV-I)

BETWEEN:

GIREESHA D
S/O DEVARAJACHAR,
AGD ABOUT 30 YEARS,
RESIDIG AT DODAKAVALANDE HOBLI,
DODDAHOMMA,
NANJANAGUDU TALUK 571 301.
MYSURU.

...APPELLANT

(BY SRI. SHANTHARAJ K.,ADVOCATE)

AND:

THE MANAGING DIRECTOR
KSRTC RURAL DIVISION,
BANNAIMANTAP,
MYSURU 570 015.

...RESPONDENT

(BY SRI. RADHA B P.,ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.25.02.2020 PASSED IN MVC
NO.490/2019 ON THE FILE OF THE III ADDITIONAL DISTRICT

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by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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JUDGE, MACT, MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.2,77,621/- awarded by the Tribunal, is in appeal.
2. The fact that the accident occurred and the further fact that the offending vehicle belongs to KSRTC is not in dispute.
3. The Tribunal, on assessment of evidence, has awarded the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and sufferings	50,000
2.	Medical expenses	1,36,621
3.	Food and nourishment	10,000



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4.	Transportation charges	10,000
5.	Loss of amenities in life	35,000
6.	Attendant charges	7,500
7.	Loss of income during laid up period	28,500
	Total	2,77,621

4. The Tribunal has not awarded any compensation under the head of loss of future income on the ground that PW.2, the treated doctor, though examined before the Tribunal, had not assessed the disability, whereas PW.3, who assessed the disability, was not the treating doctor. However, on perusal of the evidence of PW.2, it is evident that he has stated that owing to incomplete treatment, he was unable to assess the disability, and therefore, PW.3 assessed the disability. On perusal of the evidence of PW.3, coupled with Ex.P18-disability certificate, wherein the disability has been assessed at 23.5%, having regard to the nature of injuries sustained by the claimant, I am of the considered view that it would be appropriate to assess the disability at 10%.



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5. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2019, would be Rs.14,000/-.

6. As the claimant was aged 28 years, the appropriate multiplier would be '17'. Consequently, the claimant would be entitled to a sum of **Rs.2,85,600/-** (14,000 x 12 x 17 x 10%) towards '*loss of future income*'.

7. Having regard to the nature of injuries suffered by the claimant, the claimant would be entitled to **Rs.42,000/-** (14,000 X 3 months) towards '*loss of income during the laid up period*' as against Rs.28,500/- awarded by the Tribunal.

8. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.60,000/-** towards '*pain and suffering*' as against Rs.50,000/- awarded by the Tribunal.

9. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'Food and



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nourishment' at **Rs.15,000/-** as against the sum of Rs.10,000/- awarded by the Tribunal.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards loss of amenities, as against the sum of Rs.35,000/- awarded by the Tribunal.

11. Having regard to the injuries suffered by the claimant and for its future treatment, I deem it just and appropriate to award a sum of **Rs.20,000/-** towards '*future medical expenses*'.

12. The sum awarded as medical expenses at **Rs.1,36,621/-** being based on the documentary evidence, do not call for modification and hence confirmed.

13. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

14. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:

Sl. No.	Compensation under	As awarded by the	As awarded by this
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	different Heads	Tribunal (Rs.)	Court (Rs.)
1.	Pain and sufferings	50,000	60,000
2.	Medical expenses	1,36,621	1,36,621
3.	Food and nourishment	10,000	15,000
4.	Transportation charges	10,000	10,000
5.	Loss of amenities in life	35,000	40,000
6.	Attendant charges	7,500	7,500
7.	Loss of income during laid up period	28,500	42,000
8.	Loss of future income	---	2,85,600
7.	Future medical expenses	---	20,000
	Total	2,77,621	6,16,721

15. Thus, the claimant is held entitled to the total compensation of **Rs.6,16,721/-** as against Rs.2,77,621/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

16. The respondent - KSRTC is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.



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17. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

The appeal is accordingly ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 10