

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 1492 OF 2021 (MV-I)

BETWEEN:

SRI WILSON KATURI
ALSO CALLED AS KATURI WILSON
S/O SUBBAIAH KATURI
AGED ABOUT 74 YEARS
PERMANENT RESIDENT OF
NO.11-211, BETHELNAGAR
YUYURU, KRISHNA DISTRICT
ANDHRA PRADESH - 521 165.

PRESENTLY RESIDING AT
C/O T. NAGABHUSHANAM
FLAT NO.203, KAILASH TOWERS
FOOD WORLD COMPLEX
DODDABALLAPURA MAIN ROAD
NEAR PUTTENAHALLI VILLAGE
YELAHANKA NEW TOWN
BENGALURU - 560 016.

...APPELLANT

(BY SRI MOHITH R., ADVOCATE FOR
SRI M.B. CHANDRACHOODA, ADVOCATE)

AND:

THE MANAGING DIRECTOR
KSRTC
SHANTHINAGAR
K.H. ROAD
BENGALURU - 560 027.

...RESPONDENT

(BY SMT. S. NIRMALA, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 30.09.2019 PASSED IN MVC
NO.1994/2018 ON THE FILE OF THE XIV ADDITIONAL SMALL

CAUSES JUDGE AND ACMM AND MEMBER, MACT, BENGALURU (SCCH-10), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 18.09.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

CAV JUDGMENT

This appeal is preferred by the appellant/claimant seeking enhancement of compensation, challenging the judgment and award dated 30.09.2019 passed by the XIV Additional Small Causes Judge & ACMM and Member, MACT, Bengaluru (SCCH-10) in MVC No.1994/2018.

2. The accident occurred on 29.01.2018 involving the KSRTC bus bearing No.KA-40-F-679. The appellant was crossing the road near Puttenahalli Milk booth, Yelahanka. At that time, the driver of the said the bus drove in rash and negligent manner and dashed the appellant. As a result, the appellant sustained fracture of left humerus. The date of accident, involvement of the vehicle, injury sustained are not in serious dispute. The tribunal has held that the accident

occurred due to the actionable negligence of the driver of the offending vehicle and fastened the liability on the Respondent. The only question that arises for consideration is with regard to the quantum of compensation awarded by the Tribunal.

3. Learned counsel for the appellant submits that the appellant sustained fracture of shaft of left humerus and underwent treatment as an inpatient and the doctor (PW-3) assessed disability at 16% to the whole body. It is contended that the Tribunal erred in taking notional income at only Rs.7,000/- per month and in assessing whole body disability at only 8%. Further the awarded compensation under the heads of pain and suffering, loss of amenities, attendant charges and loss of future income are on the lower side and require enhancement.

4. Learned counsel for the respondent submitted that there is no illegality in the judgment of the tribunal and that the compensation awarded is just and reasonable and does not call for interference.

5. Heard the learned counsel for the parties and perused the entire material on record.

6. The compensation awarded by the tribunal is as under:

Compensation Heads	Compensation amount
1. Loss of future income	Rs.33,600/-
2. Pain and suffering	Rs.30,000/-
3. Attendant charges, extra nutrition food and conveyance charges	Rs.5,000/-
4. Loss of income during the treatment period and rest period	Rs.7,000/-
5. Medical expenses	Rs.1,47,653/-
6. Future medical expenses	Rs.25,000/-
7. Loss of amenities and happiness	Rs.20,000/-
Total	Rs.2,68,253/-

7. It is not in dispute that the appellant sustained fracture of left humerus in the accident that occurred on 29.01.2018 involving the KSRTC bus bearing No.KA-40-F-679.

8. The Tribunal has taken the notional income of the appellant at Rs.7,000/- per month. The accident is of the year 2018. Having regard to the age of the appellant, the nature of the claim and the guidelines usually followed, this Court is of the considered view that the notional income of the appellant has to be taken at Rs.12,500/- per month.

9. The Tribunal has assessed the permanent disability at 8% to the whole body. Though the doctor assessed higher disability, the assessment of 8% by the Tribunal does not call for interference having regard to the nature of injuries sustained and the disability certificate issued by the doctor. The appellant was aged about 72-74 years at the time of the accident. The appropriate multiplier is '5'. Accordingly, the loss of future income due to disability is re-determined as under: $\text{Rs.12,500} \times 12 \times 8/100 \times 5 = \text{Rs.60,000/-}$.

10. The Tribunal has awarded Rs.30,000/- towards pain and suffering. Considering the nature of the fracture and the period of hospitalization, the said amount is just and proper and is retained. The medical expenses of

Rs.1,47,653/- awarded on the basis of the bills produced are retained.

11. The appellant would have been under rest and treatment for a period of at least one and a half months. Taking the income of appellant at Rs.12,500/- per month, a sum of Rs.18,750/- is awarded under the head of loss of income during the laid-up period.

12. The Tribunal has awarded Rs.5,000/- towards attendant, nourishment and conveyance charges. Having regard to the period of hospitalisation and the nature of injury, the same is enhanced to Rs.10,000/-.

13. The Tribunal has awarded Rs.20,000/- towards loss of amenities which is on the lower side. It would be appropriate to award Rs.30,000/- towards loss of amenities.

14. The amount of Rs.25,000/- awarded towards future medical expenses is just and reasonable and is retained.

15. Thus, the appellant is entitled to total compensation re-determined by this Court as under:

1.	Pain and Sufferings	:	Rs.	30,000/-
2.	Attendant, nourishment and conveyance expenses	:	Rs.	10,000/-
3.	Medical Expenses	:	Rs.	1,47,653/-
4.	Loss of amenities	:	Rs.	30,000/-
5.	Loss of income during laid up period	:	Rs.	18,750/-
6.	Loss of future income due to disability	:	Rs.	60,000/-
7.	Future medical expenses	:	Rs.	25,000/-
	TOTAL	:	Rs.	3,21,403/-

16. Thus, the appellant is entitled to total compensation of Rs.3,21,403/- as against Rs.2,68,253/- awarded by the Tribunal, together with interest at the rate of 6% per annum on the enhanced compensation amount from the date of petition till realization excluding future medical expenses.

17. As regards to liability the tribunal has rightly held that the accident occurred due to the actionable negligence of the driver of the offending vehicle and fastened the liability on him. The same has been upheld by this court.

18. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The appeal is ***allowed in part.***

(ii) The judgment and award dated 30.09.2019 passed by the XIV Additional Small Causes Judge & ACMM and Member, MACT, Bengaluru (SCCH-10) in MVC No.1994/2018 is hereby modified.

(iii) The appellant/claimant is entitled to a total compensation of Rs.3,21,403/- (Rupees Three Lakh Twenty-One Thousand Four Hundred and Three only) with interest at the rate of 6% per annum from the date of petition till realization excluding future medical expense.

(iv) The respondent – KSRTC is directed to deposit the enhanced compensation amount together with accrued interest within a period of eight weeks from the date of receipt of a certified copy of this judgment.

(v) On such deposit, the entire amount shall be released in favour of the appellant on proper identification.

(vi) The Registry is directed to transmit the Trial Court Records along with a copy of this judgment to the Tribunal forthwith.

(vii) No order as to costs.

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

BNV