



CNR: KAHC010179052023

NC: 2026:KHC:38937
MFA No. 2301 of 2023
C/W MFA.CROB No. 89 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2301 OF 2023

(MV-I)

C/W

MFA CROSS OBJECTION No. 89 OF 2023 (MV-I)

IN MFA No. 2301/2023

BETWEEN:

THE MANAGING DIRECTOR
CENTRAL OFFICE
K.H. ROAD, BANGALORE-560 027.
REPRESENTED BY ITS DIVISIONAL CONTROLLER
KSRTC, BEJAL
MANGALURU, D.K.- 560 027.

NOW REPRESENTED BY IT'S
CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICE
K.H. ROAD, BENGALURU-560 027.

...APPELLANT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

SMT. BHAVANI K G
S/O SADASHIVA K
AGED ABOUT 42 YEARS

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



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R/AT KUKKUDU HOUSE
MANEKOLU VILLAGE
PERAL POST, SULLIA TALUK
MANGALURU DISTRICT-574 239.

...RESPONDENT

(BY SRI RAJARAMA S, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:03.11.2022
PASSED IN MVC No.187/2020 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC, MACT, SULLIA, D.K, AWARDED
COMPENSATION OF Rs.4,53,829/- WITH INTEREST AT 9
PERCENT P.A. FROM THE DATE OF PETITION TILL ITS
DEPOSIT.

IN MFA. CROB No. 89/2023

BETWEEN:

SMT. BHAVANI K G
W/O SADASHIVA K
AGED ABOUT 42 YEARS
R/AT. KUKKUDU HOUSE
MANDEKOLU VILLAGE
PERLA POST
SULLIA TALUK-574 239.

...CROSS OBJECTOR

(BY SRI RAJARAMA S, ADVOCATE)

AND:

THE MANAGING DIRECTOR
CENTRAL OFFICE, K .H. ROAD
BANGALORE-27.
REPRESENTED BY ITS DIVISIONAL CONTROLLER
KSRTC, BEJAI, MANGALORE D.K.

...RESPONDENT

(BY SRI F S DABALI, ADVOCATE)



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THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.03.11.2022 PASSED IN MVC No.187/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MEMBER, MACT, SULLIA, D.K, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA AND MFA CROB COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. MFA No. 2301/2023 is filed by the Karnataka State Road Transport Corporation (for short 'the Corporation') challenging the compensation awarded in the judgment and award dated 03.11.2022 passed in M.V.C. No. 187/2020 by the Senior Civil Judge and MACT, Sullia. MFA CROB No. 89/2023 is filed by the respondent claimant seeking enhancement of the compensation awarded by the Tribunal.

2. Even though the appeal and cross-objections are listed today for 'Admission' they are taken up for disposal with the consent of learned counsel appearing for



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appellant and learned counsel appearing for respondent – claimant – cross-objector.

3. Respondent made a claim petition praying to award compensation for the injury sustained by her in a road traffic accident that occurred on 10.06.2019 contending that the accident occurred due to rash and negligent driving by the driver of Corporation bus bearing registration No. KA-19-F-3342. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Plain and Sufferings	50,000-00
Medical Expenses	1,24,469-00
Laid up period charges	34,500-00
Medical attendant and other incidental charges	27,000-00
Loss of Earnings	2,02,860-00
Loss of amenities	15,000-00
Total	Rs.4,53,829-00



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4. The Tribunal also awarded interest at the rate of 9% p.a. from the date of petition till the date of realization and directed the appellant - Corporation to deposit the compensation amount with interest.

5. The Corporation has challenged the quantum of compensation awarded in the present appeal and the respondent - claimant - cross-objector has filed cross-objection seeking enhancement of the compensation awarded by the Tribunal.

6. Heard learned counsel appearing for appellant - Corporation and learned counsel appearing for respondent - claimant - cross-objector.

7. Learned counsel appearing for appellant - Corporation would contend that the Tribunal has taken disability to the whole body at 7% and calculated the loss of future income. The claimant was working as Senior Office Assistant in KVG Medical College and Hospital and even after the accident she was getting the same salary



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and therefore she is not entitled for loss of future income. Claimant was admitted in the hospital for 47 days, but, the Tribunal has noted wrongly as 57 days. The award of interest by the Tribunal at 9% p.a. is on the higher side considering the bank interest rates and interest to be awarded is 6% p.a. With this he prayed to allow the appeal.

8. Learned counsel appearing for respondent – claimant – cross-objector would contend that the claimant had sustained several fractures as noted in Ex.P.5 – wound certificate and considering the same, the compensation awarded under the heads ‘pain and suffering’ and ‘loss of amenities’ are on lower side. claimant was admitted in the hospital for 47 days and considering the same the compensation awarded under the head ‘attendant and conveyance charges’ and ‘loss of income during laid up period’ are on lower side. Learned counsel for respondent – claimant – cross-objector has not disputed that the claimant continued in service even after



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the accident and she is getting the same income. With this he prayed to allow the cross-objection and enhance the compensation awarded by the Tribunal.

9. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

10. The claimant, as per Ex.P.5 - wound certificate, sustained the following injuries

- a) Fracture of right superior pubic ramus
- b) Fracture of right iliac bone with sacroiliac joint
- c) Fracture of proximal phalanx of great toe, 2nd, 3rd and 5th toe and
- d) Fracture of distal phalanx of great toe and 3rd toe
- e) Fracture of medial condyle of tibia

11. P.W.2 is the Doctor and he has assessed the disability at 21% of the limb and 7% of the body. The Tribunal has taken the disability at 7% of the whole body.



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12. The Tribunal has taken the income of the claimant at Rs.11,500/- based on the salary slips – Ex.P.11 and Ex.P.12 and evidence of PW3. As per evidence of the claimant and evidence of P.W.3, the claimant continued in service even after the accident and she is getting the same income as she was getting prior to the accident. Therefore, the injury sustained by the claimant has not reduced the income of the claimant so as to award compensation under the head ‘loss of future income’. Therefore, the Tribunal has erred in awarding compensation under the head ‘loss of future income’ in a sum of Rs.2,02,860/-.

13. Considering the injuries sustained by the respondent – claimant – cross-objector noted supra, the compensation awarded by the Tribunal under the head ‘pain and suffering’ in a sum of Rs.50,000/- requires to be enhanced to Rs.2,00,000/- and ‘loss of amenities’ in a sum of Rs.15,000/- is required to be enhanced to Rs.1,00,000/-.



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14. The claimant was admitted in the hospital for 47 days and therefore compensation awarded under the head 'attendant and conveyance charges, food and nourishment etc.' is to be enhanced to Rs.47,000/- (1,000 X 47) as against Rs.27,000/- awarded by the Tribunal.

15. As per Ex.P.10, the claimant had taken medical leave from 10.06.2019 to 09.12.2019 and during that period she was on leave without pay. Therefore the claimant is entitled to 'loss of income during laid up period' for six months. Therefore claimant is entitled to 'loss of income during laid up period' in a sum of Rs.69,000/- (11500 X 6).

16. P.W.2 – Doctor in Ex.P.5 – wound certificate has stated that respondent – claimant – cross-objector has to undergo implant removal surgery which may cost around Rs.10,000/- in KVG Medical College and Hospital, Sullia. Considering the said aspect, respondent – claimant



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– cross-objector is entitled to future medical expenses in a sum of Rs.10,000/-.

17. The Tribunal has awarded interest at the rate of 9% p.a. Said interest awarded by the Tribunal is on higher side considering the Bank interest rate and interest to be awarded is at 6% p.a.

18. In view of the above the respondent – claimant – cross-objector is entitled to compensation under various heads as under:

Plain and Sufferings	2,00,000-00
Medical Expenses	1,24,469-00
Laid up period charges	69,000-00
Medical attendant and other incidental charges	47,000-00
Loss of amenities	1,00,000-00
Future medical expenses	10,000-00
Total	Rs.5,50,469-00



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19. Respondent – claimant – cross-objector is entitled to total compensation of Rs.5,50,469/- as against Rs.4,53,829/- awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of realization. Consequently, the claimant is entitled enhanced compensation of Rs.96,640/- with interest at the rate of 6% p.a. from date of petition till the date of realization. The Corporation is liable to pay the said compensation amount with interest.

20. In view of the above, the following;

ORDER

- i) The appeal and cross-objections are partly allowed.
- ii) Claimant is entitled to enhanced compensation of Rs.96,640/- (5,50,469 - 4,53,829) with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- iii) The Corporation shall deposit the total compensation with interest including the amount



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already deposited before the Tribunal within a period of 6 weeks from this day failing which it is liable to pay interest at the rate of 9% p.a. from this day till the date of payment.

- iv) Claimant is entitled to release of entire compensation amount.
- v) Amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 30
Ct.sm