



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 6TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
MISCELLANEOUS FIRST APPEAL NO.2657 OF 2021(MV-I)
C/W
MISCELLANEOUS FIRST APPEAL NO.6785 OF 2021(MV-I)

IN MFA No. 2657/2021

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, DIVISIONAL OFFICE
MUKRUMPADY DARBE POST
PUTTUR TALUK,
D.K.DISTRICT - 574 202
REPTD. BY ITS CHIEF LAW OFFICER

...APPELLANT

(BY SMT. RADHA B.P, ADVOCATE)

AND:

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

ASHOK @ ASHOKA G
AGED ABOUT 29 YEARS
S/O G RAMULU
R/AT LINGAPPA GARIPALLI
BUKKAPATNAM MANDALAM
ANANTHAPUR DISTRICT
ANDHRA PRADESH - 515 154

ALSO AT PADIL
PUTTUR KASABA VILLAGE
PUTTUR TALUK
D.K - 574 202

...RESPONDENT

(BY SRI. RAJARAM SOORYAMBAIL, ADVOCATE)



NC: 2026:KHC:33748
MFA No. 2657 of 2021
C/W MFA No. 6785 of 2021

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 05.02.2021, PASSED IN MVC NO.1690/2017, ON THE FILE OF THE V-ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, AMACT-XI, D.K. MANGALURU SITTING AT PUTTUR, AWARDING COMPENSATION OF RS.5,49,400/- WITH INTEREST AT THE RATE OF 6 PERCENT P.A., FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO. 6785/2021

BETWEEN:

ASHOK @ ASHOKA G
AGED ABOUT 28 YEARS
S/O G RAMALU
R/AT LINGAPPA GARIPALLI
BUKKAPATNAM, MANDALAM
ANANTHAPUR DISTRICT
ANDHRA PRADESH-515 154
NOW R/AT PADIL
PUTTUR KASABA VILLAGE
PUTTUR TALUK, D.K

...APPELLANT

(BY SRI. RAJARAMA SOORYAMBAIL, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C, DIVISIONAL OFFICE
MUKRUMPADY DARBE POST
PUTTUR TALUK
D.K DISTRICT-574 202
POLICE NO: KARNATAKA
GOVERNMENT. ORDER NO:HTDMV: 106/68

...RESPONDENT

(BY SMT. RADHA B.P, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 05.02.2021 PASSED



IN MVC. NO.1690/2017 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE MEMBER AMACT XI D.K.MANGALURU SITTING AT PUTTUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

Both the KSRTC and the claimant are in appeal challenging the judgment and award dated 05.02.2021 passed in M.V.C.No.1690/2017. While MFA No.2657/2021 is by the KSRTC challenging the quantum of compensation, MFA No.6785/2021 is by the claimant seeking enhancement of compensation.

2. The fact that the accident occurred and the further fact that the offending vehicle was insured are not in dispute.

3. Learned counsel for the KSRTC would contend that the Tribunal has erred in assessing the disability of the claimant at 16.5% in view of the disability assessed by the Doctor. He would contend that as per the evidence of PW.3, who treated the claimant, the claimant has suffered 33% functional



disability of left upper and lower limb. However, the evidence of PW.2, who is not the treated Doctor and who has issued Ex.P14-Disability Certificate clearly depicts that the disability suffered at 33% is to the particular limb and not to the whole body. As such, the whole body disability of the claimant should be taken at $\frac{1}{3}^{\text{rd}}$ of 33%, which would be 11%. As such, the same requires interference by this Court.

4. Learned counsel would also contend that the Tribunal has erred in assessing the income of the claimant at Rs.10,000/- without any documentary evidence. Since the accident is of the year 2016, the Tribunal would have assessed the income at Rs.9,500/- as per the chart of the Karnataka State Legal Services Authority. Thus, the same requires interference by this Court.

5. Learned counsel would further contend that though the claimant has taken treatment as inpatient for 11 days, the Tribunal has erred in treating the laid up period as 4 months and consequently awarding the compensation towards loss of income during laid up period and also towards incidental charges.



6. Learned counsel would also contend that the sums awarded under other heads being exorbitant, requires interference by this Court. Accordingly, he prays to allow the appeal of the KSRTC by dismissing the appeal of the claimant.

7. *Per contra*, learned counsel for the claimant would contend that the sums awarded by the Tribunal under all the heads are meager and the same requires to be enhanced. Accordingly, he prays to allow the appeal of the claimant.

8. I have given anxious consideration to the submissions advance by learned counsel for both the parties and perused the judgment and documents available on record.

9. As could be gathered from records, the disability assessed by the Doctor, who has issued the disability certificate at 33% to the left upper and lower limb. Since the disability is to the particular limb, the Tribunal ought to have assessed the disability by taking 1/3rd of the same, which would be 11%. Thus, the disability suffered by the claimant would be 11%.

10. As regards the determination of notional income, since there was no credible and cogent evidence with regard to



the income of the claimant, the Tribunal has erred in assessing the income at Rs.10,000/-. Since the accident is of the year 2016, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which would be Rs.9,500/-.

11. As the claimant was aged 24 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.2,25,720/-** ($9,500 \times 12 \times 18 \times 11\%$) towards '*loss of future income*'.

12. In view of the nature of the injuries suffered by the claimant, it would be appropriate to take the laid up period as three months instead of four months. Thus, the amount of Rs.40,000/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.28,500/-** ($9,500/- \times 3$).

13. Having regard to the injuries suffered and the lasting effects of the same, I deem it just and proper to award a sum of **Rs.25,000/-** towards '*Special diet, nutrition and attendant charges*' as against Rs.18,000/- and a sum of



Rs.50,000/- towards "*loss of amenities*" as against Rs.20,000/- awarded by the Tribunal.

14. The sums awarded towards "*pain and suffering*" at **Rs.1,00,000/-** and **Rs.15,000/-** towards "*traveling expenses*" do not call for modification and hence confirmed.

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

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Pain and sufferings	1,00,000	1,00,000
2.	Loss of future income	3,56,400	2,25,720
3.	Loss of income during the laid up period	40,000	28,500
4.	Special diet, nutrition and attendant charges	18,000	25,000
5.	Loss of amenities in life	20,000	50,000
6.	Travelling expenses	15,000	15,000
	Total	5,49,400	4,44,220

16. Thus, the claimant is held entitled to the total compensation of **Rs.4,44,220/-** as against Rs.5,49,400/-, along with interest at the rate of 6% per annum from the date of petition till its realization.



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17. The 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.

The amount in deposit shall be transmitted to the Tribunal.

The appeal filed by the KSTRC is ***allowed-in-part*** and appeal filed by the claimant is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 39