



CNR: KAHC010196652020

NC: 2026:KHC:43488
MFA No. 1308 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 1308 OF 2021 (MV-I)

BETWEEN:

ROSHNI D ALMEIDA
D/O BABUTI D' ALMEIDA
AGED ABOUT 23 YEARS,
R/AT ALMEIDA VILLA, GOLIBETTU ROAD,
SASTANA, IRODY VILLAGE AND POST
UDUPI TALUK, UDUPI DISTRICT - 67

...APPELLANT

(BY SRI. SAMPATH KUMAR A.V., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C. BUS DEPOT
MANGALORE

...RESPONDENT

Digitally signed by PANKAJA S (BY SRI. ASHOK KUMAR M., ADVOCATE)

Location: HIGH
COURT OF
KARNATAKA

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 03.10.2019, PASSED IN MVC NO.563/2016, ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, UDUPI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.1,71,125/- awarded by the Tribunal in MVC No.563/2016 dated 03.10.2019, is in appeal.

2. The fact that the accident occurred and the further fact that the offending vehicle belonged to KSRTC are 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, hardship, discomfort and loss of amenities	1,00,000
2.	Loss of earning to parents during hospitalization	25,000
3.	Medical expenses	46,125
	Total	1,71,125

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered



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functional disability to the extent of 6%, which, in my opinion, does not require any interference by this Court.

5. The Tribunal has not awarded compensation under the head 'loss of future income', since the claimant was minor aged 17 years at the time of incident. The said finding of the Tribunal has to be interfered with in view of the subsequent judgment of the Hon'ble Apex Court in the case of **HITESH NAGJIBHAI PATEL Vs. BABABHAI NAGJIBHAI RABARI AND ANOTHER** in Civil Appeal No.10278/2025, wherein it is held that the calculation of loss of income necessarily has to be made in a case involving a child having suffered injury or having passed away. Consequently, since the accident had occurred in Kota, Kundapura District and as per the Minimum Wages Act, the wages prevailing as on the date of accident i.e., to Zone 3 of said area, for skilled labour, was the minimum of Rs.290/- per day, which comes to Rs.8,700/- (Rs.290 X 30 days) per month. Accordingly, applying the multiplier of '18', the claimant would be entitled to a sum of **Rs.1,12,752/-** (Rs.8,700 x 12 x 18 x 6%) towards '*loss of future income*'.



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6. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries suffered, it would be just and appropriate to treat the laid up period as three months. Thus, the claimant would be entitled to a sum of **Rs.26,100/-** (Rs.8,700 X 3) towards '*loss of income during the laid up period*'.

7. Having regard to the length of the stay of the claimant in the hospital, the claimant would be entitled to a sum of **Rs.16,000/-** towards '*food, nourishment, transportation charges and attendant charges*'.

8. Having regard to the injuries suffered by the claimant and the lasting effect of the injuries on the claimant, the claimant would be entitled to **Rs.50,000/-** towards '*pain and sufferings*' and **Rs.30,000/-** towards '*loss of amenities*'.

9. The sum awarded as '*medical expenses*' at **Rs.46,125/-**, being based on documentary evidence, do not call for modification and hence confirmed.



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10. 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 this Court (Rs.)
1.	Pain and suffering	50,000
2.	Loss of future earnings	1,12,752
3.	Food, nourishment, conveyance & attendant charges	16,000
4.	Loss of amenities	30,000
5.	Loss of income during laid up period	26,100
6.	Medical expenses	46,125
	Total	2,80,977
	Rounded off to	2,81,000

11. Thus, the claimant is held entitled to the total compensation of **Rs.2,81,000/-** as against Rs.1,71,125/- along with interest at the rate of 6% per annum from the date of petition till its realization.

12. The KSRTC is directed to deposit the amount of compensation awarded within six weeks from the date of



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receipt of a certified copy of this judgment. On such deposit, the amount shall be released to the claimant on due identification.

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

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

PKS
List No.: 1 Sl No.: 26