



CNR: KAHC010213702025

NC: 2026:KHC:54219
MFA No. 2342 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2342 OF 2025

(MV-I)

BETWEEN:

DR KAVYA T,
AGED ABOUT 31 YEARS
D/O. R. THARANATH
R/A. No. 3206/10, 1ST FLOOR
3RD CROSS, GAYATHRI NAGAR
BENGALURU - 560 021.

ALSO, AT NO. 2586
11TH MAIN, BLOCK
2ND STAGE, RAJAJINAGAR
BENGALURU- 560 010.



(BY SRI. NAGARAJA REDDY D, ADVOCATE)

...APPELLANT

AND:

THE MANAGING DIRECTOR KSRTC DEPARTMENT
BENGALURU CENTRAL OFFICE
K.H. ROAD, SHANTHINAGAR
BENGALURU - 560 027.

(BY SRI. G LAKSHMEESH RAO, ADVOCATE)

...RESPONDENT

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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:02.04.2024 PASSED IN MVC No.510/2023 ON THE FILE OF THE I ADDITIONAL SMALL CAUSE JUDGE AND ACMM, MACT, MEMBER, BENGALURU, (SCCH-11), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 02.04.2024 passed in MVC No. 510/2023 by the I Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-11).

2. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident that occurred on 27.12.2022 due to the rash and negligent driving by the driver of KSRTC bus bearing registration No. KA-18-F-1046. The Tribunal after recording evidence, appreciating

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the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards injury pain and suffering	Rs.55,000/-
2	Towards medical expenses	Rs.75,594/-
3	Towards food and extra nourishment and medical attendant	Rs.1,200/-
4	Towards conveyance	Rs.10,000/-
5	Towards loss of income during treatment	Rs.2,52,720/-
6	Deprivation of future amenities	Rs.50,000/-
7	Towards future medical expenses	Rs.1,30,000/-
8	Towards vehicle damages	Rs.36,786/-
	Total	Rs.6,11,300/-

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

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4. Heard learned counsel for appellant – claimant and learned counsel for respondent – Insurer.

5. Learned counsel for appellant would contend that claimant had sustained 30% disability and loss of future income due to disability is not awarded by the Tribunal since claimant is getting same income even after the accident as she was getting prior to the accident. Claimant had not attended to her duties for 195 days due to the injuries sustained by her and therefore, she is entitled to loss of income during laid up period for 195 days. The Tribunal has taken the income of the claimant earned from her job at Sapthagiri Hospital based on Ex.P.23 – salary slips, but, erred in excluding some receipts received by the claimant and there is no reason for exclusion of those receipts. The Tribunal has also not taken into consideration income earned by the claimant from Suguna Hospital as per Ex.P.25. Considering Ex.P.25 claimant is getting average income of Rs.1,00,000/- per month and amount mentioned in Ex.P.25 was credited to

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her bank account, statement of which is at Ex.P.24. The Tribunal has excluded the income earned by the claimant from Suguna Hospital as per Ex.P.24 and Ex.P.25 only on the ground that as per her letter of appointment – Ex.P.21 and evidence of P.W.4, claimant was prohibited from doing other job during working hours at Sapthagiri Hospital. Said finding of the Tribunal is not proper. Income of the claimant has to be taken as per Ex.P.23 and Ex.P.25 for awarding loss of income during laid up period. He further submits that considering the injuries sustained by the claimant compensation awarded by the Tribunal towards pain and suffering and loss of amenities is on lower side. The Tribunal has deducted 1/3rd in the vehicle damage on the ground that there is depreciation and that deduction is not proper and on that point he placed reliance on the decision of coordinate Bench of this Court rendered in the case of **Narahari Pandit Vs. Veenadevi Jalan, 1996 0 Supreme (Kar) 355**. He further submits that claimant has sustained disability of 30% to the whole body which

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affects her future prospects and she is entitled for award of future prospects and on that point he placed reliance on the decision of Division Bench of this Court in the case of ***Royal Sundaram Alliance Insurance Company Ltd., Vs. D.C. Vijaya Kumar and others*** rendered in ***MFA No. 860/2015*** and connected matter decided on ***23.01.2023***. With this, he prayed to allow the appeal.

6. Learned counsel for respondent would contend that the Tribunal has rightly not considered the income of the claimant earned from Suguna Hospital as per Ex.P.24 and Ex.P.25 on the ground that there is a condition in her appointment order – Ex.P.21, as stated by P.W.4 – her employer, that she is not permitted to do private practice during working hours of Sapthagiri Hospital. He further submits that compensation awarded under all heads is just and proper and there are no grounds for enhancement. Claimant is not entitled to future prospects due to disability as her income has increased even after the accident and the injuries have not reduced her income and

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there is no evidence on record to indicate that injuries will affect her future prospects. With this he prayed to dismiss the appeal.

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

8. Claimant is a Doctor working in Sapthagiri Hospital. Claimant, due to the injuries sustained by her, had not attended to her duties for 195 days (6 months 13 days). The Tribunal has rightly held that the claimant is entitled loss of income during laid up period for 195 days. Ex.P.23 is the salary slip of claimant issued by Sapthagiri Hospital for June to September, 2022. The gross pay of the claimant as per Ex.P.23 is Rs.82,500/-. In the said gross pay only professional tax of Rs.200/- and income tax of Rs.8,300/- is to be deducted. After deducting professional tax of Rs.200/- and income tax of Rs.8,300/-, net pay of the claimant is Rs.74,000/-. The Tribunal has

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erred in excluding CCA, NPA and other allowances and special allowances which are mentioned in Ex.P.23. Therefore, income of the claimant is Rs.74,000/- from Sapthagiri Hospital.

9. Ex.P.25 is the certificate issued by Suguna Hospital wherein details of income earned by the claimant during April to December, 2022 is mentioned. Date of remittance of the said amount to her bank account is also mentioned. Said income of the claimant earned from Suguna Hospital has been excluded by the Tribunal on the ground that in the appointment letter issued by the Sapthagiri Hospital – Ex.P.21 there is a condition that the claimant shall not take private practice of any kind during working hours of the college, hospital and other rotation duty. Even though there is such a prohibition for claimant, Ex.P.25 and bank account statement – Ex.P.24 indicate that the claimant got income from Suguna Hospital. Even though her average income as per Ex.P.25 is about Rs.1,00,000/- said entire income of Rs.1,00,000/- cannot

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be taken into consideration as it is not fixed income. Therefore, income from Suguna Hospital is taken at Rs.26,000/-. Hence, total income of the claimant is Rs.1,00,000/- (Rs.74,000 + Rs.26,000). As the income of the claimant is Rs.1,00,000/- per month, income for one day is Rs.3,333/-. Therefore, claimant is entitled Rs.6,49,935/- (Rs.3333 X 195 days) as loss of income during laid up period.

10. Claimant had sustained the following injuries:

a. Polytrauma with displaced medial malleolus fracture right ankle

b. Complex left knee injury with comminuted tibial spine fracture with avulsion of ACL and PCL with undisplaced later tibial condyte fracture with fibula neck fracture with grade III MCL injury

11. Considering the said injuries sustained by the claimant compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.55,000/- and loss of

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amenities in a sum of Rs.50,000/- is not proper and they are enhanced to Rs.1,50,000/- and Rs.1,20,000/-.

12. The Tribunal, based on the documents on record, has rightly awarded medical expenses and food and conveyance charges in a sum of Rs.1,200/- and Rs.10,000/- as claimant was admitted in the hospital for 3 days. The Tribunal has rightly awarded future medical expenses of Rs.1,30,000/- and it is based on the evidence of the Doctor.

13. The Tribunal had deducted 1/3rd in the vehicle damage claimed by the claimant in two invoices, Ex.P.14 and Ex.P.15 in a sum of Rs.55,178/- and awarded only Rs.36,786/- (2/3rd of Rs.55,178/-). Said deduction of depreciation made by the Tribunal is not proper in view of decision of coordinate Bench rendered in the case of **M.R. Narahari Pandit** (supra) wherein it is held as under:

"6. In this case also the vehicle in question is of 1970 model and was road-worthy, hence not

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required to be replaced. On the other hand, the vehicle was repaired by replacing new spare parts and the actual cost of new spares was to be given to the owner of the vehicle. Under these circumstances the deduction of 50 per cent of the value of spares is not correct which calls for interference."

Therefore, claimant is entitled to entire invoice amount of Rs.55,178/- towards vehicle damage.

14. Learned counsel for appellant submits that as claimant had sustained 30% disability to the whole body it has affected her working as a Doctor and therefore, she has to be awarded future prospects. On that point he placed reliance on the decision of Division Bench of this Court in the case of **Royal Sundaram Alliance Insurance Company Ltd.,** (supra). In the said case there is evidence that claimant even though continued in the employment was allotted limited work having regard to his medical condition. In the case on hand there is no such evidence of allotting limited work to the claimant, reducing

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the duties and income of the claimant. Learned counsel for respondent submits that even after the accident claimant is getting higher income than she was getting prior to the accident. Therefore, claimant is not entitled to future prospects due to disability sustained by her.

15. In view of the above, claimant is entitled to total compensation under various heads as under:

1	Pain and suffering	Rs.1,50,000.00
2	Medical expenses	Rs.75,594.00
3	Food	Rs.1,200.00
4	Conveyance charges	Rs.10,000.00
5	Loss of income during laid up period	Rs.6,49,935.00
6	Loss of amenities	Rs.1,20,000.00
7	Future medical expenses	Rs.1,30,000.00
8	Vehicle damage	Rs.55,178.00
	Total	Rs.11,91,907.00

16. Considering the above aspects claimant is entitled to total compensation of Rs.11,91,907/- as against Rs.6,11,300/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.5,80,607/-. Claimant is not entitled to

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interest for the delay period of 238 days in filing the appeal as per the order dated 09.04.2026 passed on I.A. No. 1/2025. Respondent - Corporation is liable to pay the said enhanced compensation with interest.

17. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.5,80,607/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant - Claimant is not entitled to interest for the delay period of 238 days.
- d) Respondent No. 2 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Out of enhanced compensation amount 50% shall be released to the claimant and 50% shall be kept in Fixed Deposit with Karnataka Bank, City Civil Court branch,

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Bengaluru, in the name of claimant for a period of 3
years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 SI No.: 36