



CNR: KAHC010217932022

NC: 2026:KHC:45223
MFA No. 3696 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3696 OF 2022(MV-I)

BETWEEN:

MUNIYAPPA
s/o BALARAJ,
NOW AGED ABOUT 30 YEARS,
RESIDING AT NO 196, THIGALA
CHOWDADENAHALLI,
DOMMASANDRA,
BENGALURU

...APPELLANT

(BY SRI. A.K. BHAT, ADVOCATE FOR
SRI. A. SREENIVASAIAH, ADVOCATE)

AND:

THE MANAGING DIERCTOR
BMTc DIVISION,
CENTRAL OFFICE, K.H ROAD,
SHANTHINAGAR,
BENGALURU-560 027

...RESPONDENT

(BY SRI. D VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.06.12.2021 PASSED IN MVC
NO.5947/2019 ON THE FILE OF THE II ADDITIONAL JUDGE

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by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND ACMM, COURT OF SMALL CAUSES, MACT, BENGALURU, (SCCH-13), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.1,53,000/- awarded by the Tribunal, is in appeal.
2. The fact that the accident occurred and the further fact that the offending vehicle belongs to the BMTC 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	20,000
2.	Medical bills	12,730
3.	Food, nourishment and attendant charges	13,000



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4.	Future medical expenses	15,000
5.	Loss of income during laid up period & rest period	13,000
6.	Loss of amenities	20,000
7.	Loss of future earnings	2,12,160
	Sub-total	3,05,890
	Less: 50% towards contributory negligence	1,52,945
	Total	1,52,945
	Rounded off to	1,53,000

4. The Tribunal, on analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 8% to the whole body.

5. I have perused the evidence of the Doctor - PW.2 and the wound certificate/disability certificate. The same depicts that the claimant has suffered from fracture medial malleolus and right ankle.

6. Since the Doctor has assessed the disability to the right lower limb at 31% and whole body at 16%, considering the nature of the injuries suffered by the claimant, I deem it just



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and appropriate to assess the disability at 11%. Accordingly, the disability suffered by the claimant would be at 11%.

7. The Tribunal has determined the monthly income, notionally at Rs.13,000/- per month. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2019, would be Rs.14,000/-.

8. As the claimant was aged 27 years, the Tribunal has rightly applied a multiplier of '17'. Consequently, the claimant would be entitled to a sum of **Rs.3,14,160/-** ($14,000 \times 12 \times 17 \times 11\%$) towards '*loss of future income*' as against sum of Rs.2,12,160/- awarded by the Tribunal.

9. Having regard to the nature of injuries suffered by the claimant, the claimant would be entitled to **Rs.42,000/-** ($14,000 \times 3$ months) towards '*loss of income during the laid up period*' as against sum of Rs.13,000/- awarded by the Tribunal.



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10. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.50,000/-** towards '*pain and suffering*' as against Rs.20,000/- awarded by the Tribunal.

11. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.30,000/-** towards loss of amenities, as against the sum of Rs.20,000/- awarded by the Tribunal.

12. The sum awarded as medical expenses at **Rs.12,730/-** being based on the documentary evidence, do not call for modification and hence confirmed.

13. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

14. However, the Tribunal upon meticulous examination of the evidence on record, fixed 50% contributory negligence on the claimant. In my considered opinion, the said finding is just and proper and warrants no interference. Accordingly, the claimant is held liable for 50% of the contributory negligence.



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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	20,000	50,000
2.	Medical bills	12,730	12,730
3.	Food, nourishment and attendant charges	13,000	13,000
4.	Future medical expenses	15,000	15,000
5.	Loss of income during laid up period & rest period	13,000	42,000
6.	Loss of amenities	20,000	30,000
7.	Loss of future earnings	2,12,160	3,14,160
	Sub-total	3,05,890	4,76,890
	Less: 50% towards contributory negligence	1,52,945	2,38,445
	Total	1,52,945	2,38,445
	Rounded off to	1,53,000	

16. Thus, the claimant is held entitled to the total compensation of **Rs.2,38,445/-** as against Rs.1,53,000/-,



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along with interest at the rate of 6% per annum from the date of petition till its realization.

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

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 15