



CNR: KAHC010222422026

NC: 2026:KHC:45207
MFA No. 2325 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2325 OF 2026 (MV-I)

BETWEEN:

MASTER CHIRAYU
S/O. SANTHOSH Y.K.,
AGE: 14 YEARS.

SINCE MINOR REPRESENTED BY HIS FATHER
SRI. SATHOSH Y.K.
S/O. KALEGOWDA,
AGED ABOUT 40 YEARS,
R/AT HALE MIRLE, MIRLE HOBLI,
K.R. NAGARA TALUK,
MYSURU DISTRICT- 571 601.

...APPELLANT

(BY SRI. PRAKASHA H.C, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, MYSURU RURAL DIVISION,
MYSURU-570 001.

(OWNER OF THE KSRTC BUS
BEARING NO.KA-09/F-4711)

...RESPONDENT

(BY SRI F S DABALI, ADVOCATE)

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



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THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 07.04.2025 PASSED IN MVC.1049/2023, ON THE FILE OF THE PRL. SMALL CAUSES AND SENIOR CIVIL JUDGE AND MACT, MYSURU, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 07.04.2025 passed in MVC No.1049/2023 by the Prl.Judge, Court of Small Causes and Member, MACT, Mysuru.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent/Corporation.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 22.02.2023 contending that the accident occurred due to rash and negligent driving of the



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driver of KSRTC bus bearing Regn.No.KA-09/F-4711. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience and discomforts, etc and loss of amenities in life on account of permanent disability	1,00,000/-
02.	Discomfort, inconvenience and loss of earnings to the parents during the period of hospitalization	30,000/-
03.	Medical and incidental expenses during the period of hospitalization for 11 days	89,400/-
	Total	2,19,400/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the respondent/Corporation to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.



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5. Heard learned counsel for the appellant and learned counsel for respondent/Corporation.

6. Learned counsel for appellant would contend that the claimant was aged 11 years as on the date of accident and he has suffered three fractures and PW.2 – Doctor has assessed the disability at 28.2% of right lower limb and Tribunal has erred in taking disability at 7%. The Tribunal ought to have taken atleast 1/3rd disability of the right lower limb as the disability to whole body. Learned counsel for the appellant relies upon the decision of the Hon'ble Apex Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari and another (2025 INSC 1070)** and contends that the income of the claimant is to be taken on the basis of minimum wages of a skilled worker and loss of future income is to be calculated taking multiplier and disability. He further submits that the claimant is also entitled to compensation towards pain and suffering, loss of amenities, loss of income of parents during laid up period, attendant and conveyance charges.



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The claimant has been admitted in the hospital for 12 days. With this he prayed to allow the appeal.

7. Learned counsel for respondent/Corporation would contend that the judgment of the Hon'ble Apex Court in Hitesh Nagji Bhai Patil(supra) relied upon by the learned counsel for the appellant pertains to a child who has suffered 90% disability and that cannot be made applicable to the present case wherein the disability is only 28% to the right lower limb. Considering the same, the Tribunal has rightly awarded compensation and there are no grounds for enhancement. With this he prayed to dismiss the appeal.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 22.02.2023 and as on the date of accident, the claimant was aged 11 years. The claimant has sustained fracture of right Talus with subtalar dislocation (HAWKINS Type-2), undisplaced fracture of right clecaneium (Sardees Type 1) and undisplaced fracture of



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right lateral malleolus. PW.2-Doctor has examined the claimant and assessed the disability at 28.2% to the right lower limb. Whenever there is disability to the lower limb, 1/3rd of the same has to be taken to the whole body. Therefore, the disability to the whole body is taken at 9%. As per the decision of the Hon'ble Apex Court in the case of Hitesh Nagjibhai Patel (Supra), minimum wages of a skilled worker is to be taken into consideration for assessing loss of future income. There is a chart prepared by the Karnataka State Legal Services Authority fixing the notional income and that is to be taken into consideration inspite of minimum wages which is akin to the minimum wages of a skilled worker. The notional income fixed for the year 2023 is Rs.16,250/-. Since the claimant is aged 11 years, the multiplier applicable is '15' as per the decision of **Reshma Kumari and others vs. Madan Mohan and another (2013 (9) SCC 65)**. In view of the above, the loss of dependency is calculated as under:

$$\text{Rs.16,250} \times 12 \times 15 \times 9\% = \text{Rs.2,63,250/-}$$



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10. Considering the injuries sustained noted supra, the claimant is entitled to pain and suffering in a sum of Rs.60,000/- and loss of amenities in a sum of Rs.40,000/-. The claimant has been admitted in the hospital for 12 days and therefore, the claimant is entitled to attendant and conveyance charges, food and nourishment etc in a sum of Rs.12,000/- (Rs.1000 x 12 days). Considering the injuries sustained one of the parents has to attend the claimant and therefore, loss of income during laid up period to be awarded for one month in a sum of Rs.16,250/-. The Tribunal has rightly considered medical expenses of Rs.89,400/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	2,63,250/-
02.	Medical expenses	89,400/-
03.	Pain and suffering	60,000/-
04.	Loss of amenities	40,000/-
05.	Loss of income of parents during laid up period	16,250/-
06.	Attendant and conveyance charges	12,000/-
	Total	4,80,900



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12. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,80,900/- as against Rs.2,19,400/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.2,61,500/- with interest @ 6% p.a. from the date of petition till realization. Respondent/Corporation is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,61,500/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent/Corporation shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) The enhanced compensation shall be kept in the name of minor claimant in fixed deposit till he attains majority.
- v) The father of the claimant is entitled to withdraw the interest periodically for the expenses of the minor.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DKB
List No.: 2 Sl No.: 41
Ct.sm