



CNR: KAHC010229252025

NC: 2026:KHC:52234
MFA No. 2551 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2551 OF 2025
(MV-I)

BETWEEN:

THE MANAGING DIRECTOR,
B.M.T.C.,
SARIGE BHAVANA, K.H. ROAD,
SHANTHINAGAR,
BENGALURU - 560 027.
REPRESENTED BY ITS CHIEF LAW OFFICER.

...APPELLANT

(BY SRI. F.S. DABALI, ADVOCATE)

AND:

NANDINI R.
D/O RAMA REDDY,
AGED ABOUT 30 YEARS,
R/AT AVALAKUPPA VILLAGE,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

...RESPONDENT

(BY SRI. THIPPESWAMY B.C., ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 13.12.2024 PASSED IN MVC NO.5026/2019 ON THE FILE OF THE XVI ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU CITY, (SCCH-14), AWARDED COMPENSATION OF RS.10,83,540/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

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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 BMTC (for short 'Corporation') challenging the Judgment and Award dated 13.12.2024 passed in MVC No.5026/2019 by XVI Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-14).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent, the matter is taken up for disposal.

3. The respondent/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 10.08.2014 contending that the accident occurred due to rash and negligent driving by the driver of BMTC bus bearing registration No.KA-01-F-9514.

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4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain, shock and suffering	Rs. 60,000/-
2.	Loss of amenities	Rs. 50,000/-
3.	Attendant's charges, extra diet and conveyance	Rs. 21,000/-
4.	Medical expenses	Rs. 70,400/-
5.	Loss of income during the laid up period	Rs. 25,500/-
6.	Loss of future income	Rs. 7,86,240/-
7.	Future medical expenses	Rs. 70,400/-
	Total	Rs. 10,83,540/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent to pay the compensation awarded with interest.

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

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7. Learned counsel for the appellant/Corporation would contend that, there is a contributory negligence on the part of the claimant as she fell down at the time of alighting from the bus and that has not been considered by the Tribunal. He further submits that the compensation awarded under all the heads are on higher side. Ex.P12 - Medical Bills (09 Nos.) does not pertain to the treatment taken by the claimant and only Ex.P10 - Medical Bills (13 Nos.) bill amount pertains to the treatment taken by the claimant. Even though there is no finding with regard to awarding the future medical expenses, the Tribunal has awarded future medical expenses and that requires to be set aside. The disability assessed by P.W.3 - Doctor is not having any basis and disability taken is on higher side. He further submitted that the Tribunal in paragraph No.19 has stated that the income of the claimant is taken at Rs.8,500/-, but while calculating loss of future income due to disability, it has taken the income at Rs.14,000/-

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without any basis. With these, he prayed to allow the appeal.

8. Learned counsel for the respondent would contend that, the claimant has sustained head injury and she has taken continuous treatment for years. The disability taken by the Tribunal is just and proper and it is based on the evidence of P.W.3 - Doctor and document Ex.P16. The compensation awarded towards pain and sufferings, loss of amenities and loss of income during laid up period is on lower side and that can be reassessed by this Court. Since the disability taken is more than 20%, the claimant is entitled to future prospects at 40%. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/Corporation and learned counsel for the respondent, the Court has perused the impugned Judgment, Award and Trial Court records.

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10. The following points are raised for consideration:

- I) Whether the Tribunal is justified in holding that the accident occurred due to the sole negligence on the part of the driver of bus?
- II) Whether the compensation awarded by the Tribunal is on higher side?

REASONS

11. **POINT NO.I :** The claimant was a passenger in BMTC bus bearing registration No.KA-01-F-9514. On 10.08.2024 at about 03.30 p.m. when that bus reached near Country Club and it stopped, the claimant was getting down from the bus and at that time, the driver of the bus without closing the door abruptly moved the bus. Due to which, the claimant lost her balance and fell down from the bus and sustained severe injuries. It is not in dispute that the claimant fell down from the bus and sustained head injury. The charge sheet has been filed against the driver of the bus for driving it in a rash and negligent manner. The claimant fell down from the bus as

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it moved suddenly when she was getting down from the bus that itself indicates the rash and negligent driving on the part of the driver of the bus. There is no negligence on the part of the claimant and no contributory negligence be attributed to the claimant. Therefore, the Tribunal is right in holding that the accident occurred due to the sole negligence on the part of the driver of BMTC bus. Accordingly, ***point No.I*** is answered.

12. **POINT NO.II** : As per Ex.P5 - Wound Certificate, the claimant has sustained the following injuries:

- a) Abrasion over head injury with lacerated wound occipital area with undisplaced fracture of left sphenoid with hematoma

13. In the said wound certificate, the Doctor has opined that the injury is grievous in nature. The said injury is sustained to the head. The claimant has taken treatment in NIMHANS hospital for eighteen (18) days. P.W.3 - Doctor has examined the claimant and stated that

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the claimant has sustained 26.4% disability to the whole body and it is based on Ex.P16 - Neurological Assessment Report issued by Dr. Sreedhara K.C., Neuro Physician/ Rahibilitation/ Mind Health/ Medico-Legal and Ex.P17 - Neurological Test Report issued by Soumya K.M. Clinical Psychologist. The photographs of the claimant contained in the Trial Court records indicates the head injury sustained by her and stitches over the said injuries. Considering the said aspect, the Tribunal has rightly taken the disability at 26% to the whole body.

14. The Tribunal in paragraph No.19 has taken the income of the claimant at Rs.8,500/- per month, but while calculating loss of future income due to disability, it has taken the income at Rs.14,000/- and there is no basis for taking the said income. Therefore, the income of the claimant is to be taken at Rs.8,500/- per month. Since the disability is taken more than 20%, the claimant is entitled to 40% towards future prospects since she is aged nineteen (19) years.

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15. The Tribunal considering the age of the claimant as nineteen (19) years has rightly taken the multiplier '18'. In view of the same, loss of future income due to disability is calculated as under:

$$\text{Rs.8,500/-} + 40\% (\text{Rs.3,400/-}) = \text{Rs.11,900/-} \times 12 \times 18 \times 26\% = \text{Rs.6,68,304/-}.$$

16. It is the trite law that in the appeal filed by the corporation or the insurers, the compensation can be reassessed and it should not exceed the compensation awarded by the Tribunal. Considering the head injury sustained by the claimant and disability assessed at 26%, the compensation awarded towards pain and suffering in a sum of Rs.60,000/- is not proper and the claimant is entitled to a sum of Rs.1,00,000/- towards pain and suffering. The claimant is also entitled to loss of amenities in a sum of Rs.80,000/- as against Rs.50,000/- awarded by the Tribunal.

17. Considering the said injuries sustained by the claimant, she has to take rest atleast for six (06) months

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and therefore she is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.8,500/- X 06 months) as against Rs.25,500/- awarded by the Tribunal.

18. The Tribunal has added future medical expenses of Rs.70,400/- while totalling the compensation, but there is no finding with regard to assessing future medical expenses in the impugned judgment by the Tribunal. Therefore, the claimant is not entitled to any future medical expenses of Rs.70,400/- awarded by the Tribunal.

19. The Tribunal has awarded the medical expenses of Rs.70,400/- and the said award towards medical expenses is based on Ex.P10 - Medical Bills (13 Nos.) amounting to Rs.18,222/- and Ex.P12 - Medical Bills (09 Nos.) amounting to Rs.52,105/-. Ex.P10 - Medical Bills pertaining to the treatment taken by the claimant in NIMHANS hospital and she has stated the same in her evidence. So far, Medical Bills pertaining to Ex.P12 are of

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the year 2019 taken in People Tree Hospitals. P.W.1 - claimant has not stated anything with regard to taking treatment in People Tree Hospitals in her evidence. Even nothing has been stated in her claim petition with regard to she taking any treatment in People Tree Hospitals. Therefore, the claimant is not entitled to medical expenses of Rs.52,105/- as per Ex.P12 as against Rs.70,400/- awarded by the Tribunal.

20. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 1,00,000/-
2.	Loss of amenities	Rs. 80,000/-
3.	Attendant, conveyance, food, nourishment etc.	Rs. 21,000/-
4.	Medical expenses	Rs. 18,222/-
5.	Loss of income during laid up period	Rs. 51,000/-
6.	Loss of income due to disability	Rs. 6,68,304/-
7.	Future medical expenses	Rs. NIL
	Total	Rs. 9,38,526/-

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21. The claimant is entitled to total compensation of Rs.9,38,526/- as against Rs.10,83,540/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation. Accordingly **point NO.II** is answered.

22. Appellant/Corporation is liable to pay the said compensation amount with interest.

23. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal filed by the appellant/corporation is **allowed-in-part**.*
- ii) *The respondent/claimant is entitled to total compensation of Rs.9,38,526/- as against Rs.10,83,540/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Appellant/Corporation shall deposit the total compensation amount with interest including the amount already deposited*

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before the Tribunal within a period of six weeks from this day.

- iv) The amount in deposit is ordered to be transmitted to the Tribunal.*
- v) The order of Tribunal with regard to release and deposit of the compensation amount remains unaltered.*

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 21