



CNR: KAHC010237242021

NC: 2026:KHC:36325  
MFA No. 3235 of 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**MISCELLANEOUS FIRST APPEAL NO.3235 OF 2021(MV-I)**

**BETWEEN:**

SMT M LAKSHMI  
W/O MAYAVAN  
AGED ABOUT 59 YEARS,  
RESIDING AT NO.39,  
14<sup>TH</sup> CROSS, 19<sup>TH</sup> 'B' MAIN,  
1<sup>ST</sup> BLOCK, RAJAJINAGAR,  
BANGALORE-560 010

ALSO AT:  
SMT.M.LAKSHMI  
W/O MAYAVAN  
SOUTH STREET ELLAI  
GRAMAM ELLAIGRAMAM  
VILUPPURAM ELLAIGRAMAM  
TAMIL NADU-607 201

Digitally signed  
by PANKAJA S  
Location: HIGH  
COURT OF  
KARNATAKA

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

**AND:**

THE MANAGING DIRECTOR  
BMTC, K.H.ROAD,  
SHANTINAGAR,  
BANGALORE-560 027.

...RESPONDENT

(BY SRI. D VIJAYAKUMAR, ADVOCATE)



CNR: KAHC010237242021

NC: 2026:KHC:36325  
MFA No. 3235 of 2021

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.03.2021 PASSED IN MVC NO.1408/2019 ON THE FILE OF THE XXI A.C.M.M. AND XXIII A.S.C.J ., M.A.C.T., COURT OF SMALL CAUSES, BENGALURU (SCCH-25), 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-injured, being dissatisfied with the compensation of Rs.1,69,275/- awarded by the Tribunal, is in appeal.
2. The fact that the accident occurred is 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 suffering | 30,000          |
| 2.      | Medical expenses   | 27,689          |



CNR: KAHC010237242021

NC: 2026:KHC:36325  
MFA No. 3235 of 2021

|    |                                                     |                 |
|----|-----------------------------------------------------|-----------------|
| 3. | Loss of income during laid up period                | 20,000          |
| 4. | Loss of future income                               | 1,08,000        |
| 5. | Loss of future amenities and happiness              | 20,000          |
| 6. | Attendant, conveyance, food and nourishment charges | 20,000          |
|    | Sub-total                                           | 2,25,689        |
|    | Rounded off to                                      | 2,25,700        |
|    | Less: 25% towards contributory negligence           | 56,425          |
|    | <b>Total</b>                                        | <b>1,69,275</b> |

4. The Tribunal, on analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 10% 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 crush injury to the right foot.

6. Since the Doctor has assessed the disability to the whole body at 15%, it would be just and appropriate to consider the disability at the same. Accordingly, the disability suffered by



CNR: KAHC010237242021

the claimant would be at 15% instead 10% taken by the Tribunal.

7. The Tribunal has determined the monthly income, notionally at Rs.10,000/- 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 60 years, the Tribunal has rightly applied a multiplier of '9'. Consequently, the claimant would be entitled to a sum of **Rs.2,26,800/-** (14,000 x 12 x 9 x 15%) towards '*loss of future income*' as against sum of Rs.1,08,000/- awarded by the Tribunal.

9. Having regard to the nature of injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.42,000/-** (14,000 X 3 months) towards '*loss of income during the laid up period*' as against the sum of Rs.20,000/- awarded by the Tribunal.



**CNR: KAHC010237242021**

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 the sum of Rs.30,000/- 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. Having regard to the length of stay of the claimant in the hospital, the claimant would also be entitled to 'Attendant, Conveyance, food and nourishment charges' at **Rs.30,000/-** as against the sum of Rs.20,000/- awarded by the Tribunal.

13. The sum awarded as medical expenses at **Rs.27,689/-** being based on the documentary evidence, do not call for modification and hence confirmed.

14. Insofar as the finding of the Tribunal attributing 25% contributory negligence to the claimant is concerned, the Tribunal has arrived at the said conclusion primarily on the basis of the police records. However, on careful perusal of



**CNR: KAHC010237242021**

**NC: 2026:KHC:36325  
MFA No. 3235 of 2021**

Ex.P4-sketch, it is evident that the claimant had alighted from the bus at the platform in the Kempegowda Bus Stand and, while proceeding towards the nearby platform, was hit by the offending bus. The accident having occurred within the precincts of the Kempegowda Bus Stand, where a large number of passengers are expected to move from one platform to another, the driver of the bus was under a greater duty to drive the vehicle cautiously and at a slow speed, keeping a vigilant watch over the movement of pedestrians. The contention of the BMTC that there was no zebra crossing between the platforms cannot be accepted, as passengers, after alighting from the bus, are inevitably required to cross the internal roadway to reach another platform or exit the bus stand. In such circumstances, the Tribunal was not justified in attributing 25% contributory negligence to the claimant. Nevertheless, the records indicate that the claimant, after alighting from the bus, did not avail the skywalk provided for pedestrians. Such conduct also contributed, to a limited extent, to the occurrence of the accident. Therefore, in the facts and circumstances of the case, it would be just and proper to attribute 10% contributory



CNR: KAHC010237242021

NC: 2026:KHC:36325  
MFA No. 3235 of 2021

negligence to the injured-claimant instead of 25% as held by the Tribunal. Accordingly, the contributory negligence of the injured-claimant is reduced to 10%.

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 suffering                                  | 30,000                           | 50,000                         |
| 2.      | Medical expenses                                    | 27,689                           | 27,689                         |
| 3.      | Loss of income during laid up period                | 20,000                           | 42,000                         |
| 4.      | Loss of future income                               | 1,08,000                         | 2,26,800                       |
| 5.      | Loss of future amenities and happiness              | 20,000                           | 30,000                         |
| 6.      | Attendant, conveyance, food and nourishment charges | 20,000                           | 30,000                         |
|         | Sub-total                                           | 2,25,689                         | 4,06,489                       |
|         | Rounded off to                                      | 2,25,700                         | --                             |
|         | Less: contributory negligence                       | 56,425                           | 40,649                         |
|         | <b>Total</b>                                        | <b>1,69,275</b>                  | <b>3,65,840</b>                |



**NC: 2026:KHC:36325**  
**MFA No. 3235 of 2021**

**CNR: KAHC010237242021**

16. Thus, the claimant is held entitled to the total compensation of **Rs.3,65,840/-** as against Rs.1,69,275/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

17. The Bengaluru Metropolitan Transport Corporation (BMTTC) 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.: 33