



CNR: KAHC010281422022

NC: 2026:KHC:47235
MFA No. 4568 of 2022
C/W MFA No. 4571 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.4568 OF 2022 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.4571 OF 2022 (MV-I)

IN MFA No. 4568/2022

BETWEEN:

IYAAN KHAN
S/O ASAD KHAN
AGED ABOUT 21 YEARS
R/AT NO.1164,
DAYANANDA NAGARA,
JAYANAGAR, 1ST BLOCK,
BANGALORE SOUTH
BANGALORE - 11.

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE)

AND:

THE MANAGER,
T N R T C
SHANTHINAGAR
DOUBLE ROAD
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.PURANDARA B., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.12.2019 PASSED IN MVC
NO.3017/2019 ON THE FILE OF THE I ADDITIONAL SMALL
CAUSES JUDGE AND XXVII ACMM, MOTOR ACCIDENT CLAIMS
TRIBUNAL, BENGALURU (SCCH-11)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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IN MFA NO. 4571/2022

BETWEEN:

MASTER SYED ROSHAN
S/O MAHAMMED
AGED ABOUT 17 YEARS,
SINCE THE APPELLANT IS MINOR,
REP THROUGH FATHER
AS NATURAL GUARDIAN
SRI. MOHAMMED
S/O LATE BUDEN SAB,
R/AT NO. 1160 DYANANDA GUDISALU
JAYANAGAR, BENGALURU SOUTH
3RD BLOCK, BENGALURU 560011

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE)

AND:

THE MANAGER T N R T C
T.N.R.T.C
SHANTHINAGAR
DOUBLE ROAD,
BENGALURU 560001

...RESPONDENT

(BY SRI.PURANDARA B., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 13.12.2019 PASSED
IN MVC NO.3016/2019 ON THE FILE OF THE I ADDITIONAL
SMALL CAUSES JUDGE AND XXVII ACMM, MOTOR
ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-11).

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

In MFA No.4568/2022 In MVC No.3017/2019

1. The claimant, being dissatisfied with the compensation of Rs.4,60,850/- awarded by the Tribunal in MVC No.3017/2019 vide judgment and award dated 13.12.2019, is in appeal.
2. The fact that the accident occurred and the further fact that the offending bus was belonging to respondent - TNSRTC 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 agony	30,000
2.	Medical expenses	90,550
3.	Food, attendant, conveyance, nourishment and other incidental charges etc.,	3,000
4.	Loss of income during laid up period	9,500



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5.	Loss of earning capacity	3,07,800
6.	Loss of amenities in life	20,000
	Total	4,60,850

4. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 15% to the whole body, whereas the Doctor - PW.3 specifically deposed in his evidence that CT Bran dated 24.03.2019 shows mild cerebral edema with left parietal thin acute SDH, right parieto temporal thing acute SDH, brain stem contusion. CT brain dated 25.03.2019 shows extra dural haematoma are noted along left cerebral convexity with maximum width of 7mm along left temporo parietal convexity. Adjacent sulci are effaced. Pnemocephalus is noted, fractures are noted in left parietal, left temporal, left petrous bone, left lateral wall of sphenoid sinus and body of sphenoid sinus, X-ray of lumbar spine AP and lateral views. PW.3 assessed neurobehavioural and cognitive disabilities at 23.34%.

5. I have perused the evidence of the Doctor - PW.3 and disability calculation sheet at Ex.P21, the same corroborates to



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the testimony of PW3. In such circumstances, the disability assessed by the Tribunal has to be re-assessed and it has to be considered at **20%** instead 15%.

6. The Tribunal has determined the monthly income, notionally at Rs.9,500/-. 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/-. Since the disability is at the rate of 20%, in view of law laid by the Division Bench of this Court in MFA No.103807/2016 and connected with other matter and also by the Hon'ble Apex Court in the case of **Sidram vs. United India** 2023 (3) SCC 439, the future prospectus of 40% is added to the income. Hence, the income would be at Rs.19,600/- (Rs.14,000 + 40%).

7. As the claimant was aged 18 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be



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entitled to a sum of **Rs.8,46,720/-** (Rs.19,600 x 12 x 18 x 20%) towards '*loss of future income*'.

8. As a consequence, the amount of Rs.9,500/- awarded by the Tribunal towards '*loss of income during the laid up period*' would also stand enhanced to **Rs.42,000/-** (Rs.14,000 X 3).

9. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.60,000/-** towards '*pain and suffering*' as against Rs.30,000/- awarded by the Tribunal.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.50,000/-** towards loss of amenities, as against the sum of Rs.20,000/- awarded by the Tribunal.

11. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to '*Conveyance, food and nourishment and attendant charges*' at **Rs.10,000/-** as against the sum of Rs.3,000/- awarded by the Tribunal.



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12. The sum awarded as medical expenses at **Rs.90,550/-**, being based on documentary evidence, do not call for modification and hence confirmed.

13. 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 agony	30,000	60,000
2.	Medical expenses	90,550	90,550
3.	Food, attendant, conveyance, nourishment and other incidental charges etc.,	3,000	10,000
4.	Loss of income during laid up period	9,500	42,000
5.	Loss of earning capacity	3,07,800	8,46,720
6.	Loss of amenities in life	20,000	50,000
	Total	4,60,850	10,99,270



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14. Thus, the claimant is held entitled to the total compensation of **Rs.10,99,270/-** as against Rs.4,60,850/-, along with interest at the rate of 6% per annum for the enhanced compensation.

15. The respondent - TNRTC is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

In MFA No.4571/2022 In MVC No.3016/2019

16. The claimant, being dissatisfied with the compensation of Rs.8,11,420/- awarded by the Tribunal in MVC No.3016/2019 vide judgment and award dated 13.12.2019, is in appeal.

17. The fact that the accident occurred and the further fact that the offending bus was belonging to respondent - TNSRTC are not in dispute.

18. The Tribunal, on assessment of evidence, has awarded the following sums as compensation:



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Sl. No.	Particulars	Amount in (Rs.)
1.	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
2.	Discomfort, inconvenience and loss of earnings to the parents during the period of hospitalization	5,000
3.	Medical expenses	7,06,420
	Total	8,11,420

19. The Tribunal, on an analysis of the medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 7.8% to the whole body. Though PW.4, the Doctor has assessed the disability at 7.8% to the whole body of the claimant since he has sustained head injuries. The discharge summary at Ex.P15 corroborates to the testimony of PW4. As such the disability could be assessed at 7.8% rounded off to **8%**. The Tribunal by placing reliance on the case of **MASTER MALLIKARJUN VS. DIVISIONAL MANAGER,**



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THE NATIONAL INSURANCE COMPANY LIMITED & ANOTHER reported in **AIR 2014 SC 736**, awarded a sum of Rs.1,00,000/- on the head of disability. However in view of the subsequent judgment of the Hon'ble Apex Court in the case of **HITESH NAGJIBHAI PATEL Vs. BABABHAI NAGJIBHAI RABARI AND ANOTHER** in Civil Appeal No.10278/2025, the claimant is entitled for future loss of income and also entitled for compensation on all other heads though he was a minor. However this income has to be considered as per the minimum wages Act prevailing as on the date of accident at Bangalore i.e., Rs.11,000/- per month for unskilled labour. Thus, the income of the injured claimant is taken at Rs.11,000/-.

20. As the claimant was aged 18 years, a multiplier of '18' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.1,90,080/-** (Rs.11,000 x 12 x 18 x 8%) towards '*loss of future income*'.

21. The Tribunal has not awarded any amount towards '*loss of income during the laid up period*'. Having regard to the



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injuries suffered and the treatment taken by the claimant, it would be just and appropriate to award a sum of **Rs.33,000/-** (Rs.11,000 X 3) considering the laid up period as three months.

22. Having regard to the injuries suffered by the claimant, the claimant would be entitled to a sum of **Rs.60,000/-** towards '*pain and suffering*'.

23. The Tribunal has not awarded any amount towards '*loss of amenities*'. Having regard to the injuries suffered and the treatment taken by the claimant, it would be just and appropriate to award a sum of **Rs.50,000/-** towards '*loss of amenities*'.

24. Having regard to the length of the stay of the claimant in the hospital, the claimant would also be entitled to 'Conveyance, nourishment and diet charges and attendant charges' at **Rs.25,000/-**.

25. The sum awarded as medical expenses at **Rs.7,06,420/-** being based on documentary evidence, do not call for modification and hence confirmed.



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26. 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 this Court (Rs.)
1.	Pain and sufferings	60,000
2.	Medical expenses	7,06,420
3.	Food, attendant, conveyance, nourishment and other incidental charges etc.,	25,000
4.	Loss of income during laid up period	33,000
5.	Loss of earning capacity	1,90,080
6.	Loss of amenities in life	50,000
	Total	10,64,500

27. Thus, the claimant is held entitled to the total compensation of **Rs.10,64,500/-** as against Rs.8,11,420/-, along with interest at the rate of 6% per annum for the enhanced compensation.



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28. The respondent - TNRTC 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 appeals are accordingly, ***allowed in-part.***

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 SI No.: 7