



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9724 OF 2025 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 9777 OF 2025 (MV-I),

MFA CROSS OBJECTION No. 32 OF 2026 (MV-I),

MFA CROSS OBJECTION No. 33 OF 2026 (MV-I)

IN MFA No. 9724/2025:

BETWEEN:

THE DIVISIONAL CONTROLLER
K.S.R.T.C. DEPARTMENT
MYSORE RURAL DIVISION, MYSORE.
(KSRTC BUS No.KA-26-F-1163)
THE BUS BELONGS TO N.W.K.R.T.C HUBLI.
HENCE NOW THROUGH
THE CHIEF LAW OFFICER
N.W.K.R.T.C HUBLI.

...APPELLANT

(BY SRI NAGARAJA K, ADVOCATE)

AND:

1. SRI GANGADARA R
S/O LATE R RAMIAH
AGED ABOUT 54 YEARS
R/A NELAMANE VILLAGE
K SHETTIHALLI HOBLI

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



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

SRIRANGAPATNA TALUK
MANDYA DISTRICT.

...RESPONDENT

(BY SRI SREENIVASAN M Y, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:25.02.2025 PASSED IN MVC No.790/2024 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, MACT, SRIRANGAPATNA, AWARDED COMPENSATION OF Rs.4,67,999/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL PAYMENT OF THE ENTIRE AMOUNT.

IN MFA No. 9777/2025

BETWEEN:

THE DIVISIONAL CONTROLLER
K.S.R.T.C. DEPARTMENT
MYSORE RURAL DIVISION
MYSORE.
(KSRTC BUS No.KA-26-F-1163)

THE BUS BELONGS TO N.W.K.R.T.C
HUBLI HENCE NOW THROUGH
THE CHIEF LAW OFFICER
N.W.K.R.T.C HUBLI.

...APPELLANT

(BY SRI NAGARAJA K, ADVOCATE)

AND:

SRI C K MANJU
S/O KRISHNEGOWDA
AGED ABOUT 50 YEARS
R/A NELAMANE VILLAGE
K SHETTIHALLI HOBLI



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

SRIRANGAPATNA TALUK
MANDYA DISTRICT.

...RESPONDENT

(BY SRI SREENIVASAN M Y, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:25.02.2025 PASSED IN MVC No.789/2024 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND MACT SRIRANGAPATNA, AWARDED COMPENSATION OF Rs.6,63,409/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA. CROB No. 32/2026

BETWEEN:

C K MANJU
S/O KRISHNEGOWDA
AGED ABOUT 51 YEARS
R/O NELAMANE VILLAGE
K SHETTIHALLI HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT -571 438.

...CROSS OBJECTOR

(BY SRI SREENIVASAN M Y, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C DEPARTMENT
MYSORE RURAL DIVISION
MYSORE.

...RESPONDENT

(BY SRI NAGARAJA K, ADVOCATE)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:25.02.2025 PASSED IN MVC No.789/2024 ON THE FILE OF



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

THE ADDITIONAL SENIOR CIVIL JUDGE MACT, SRIRANGAPATNA,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA. CROB No. 33/2026

BETWEEN:

GANGADARA R
S/O LATE R RAMAIAH
AGED ABOUT 55 YEARS
R/O NELAMANE VILLAGE
K SHETTIHALLI HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT - 571 438.

... CROSS OBJECTOR

(BY SRI SREENIVASAN M Y, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C DEPARTMENT
MYSORE RURAL DIVISION
MYSORE.

...RESPONDENT

(BY SRI NAGARAJA K, ADVOCATE)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W
SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND
AWARD DATED 25.02.2025 PASSED IN MVC.No.790/2024 ON THE
FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, MACT,
SRIRANGAPATNA, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

ORAL JUDGMENT

MFA No.9724/2025 is filed by the Corporation (NWKRTC) challenging the liability and quantum of compensation awarded in judgment and award dated 25.02.2025 passed in MVC No.790/2024 by the Additional Senior Civil Judge and MACT, Srirangapatna.

2. MFA No.9777/2025 is filed by the Corporation (NWKRTC) challenging the liability and quantum of compensation awarded in the judgment and award dated 25.02.2025 passed in MVC No.789/2024 by the Additional Senior Civil Judge and MACT, Srirangapatna.

3. MFA.Crob.No.32/2026 is filed by respondent / Cross-objector seeking enhancement of compensation in MVC No.789/2024.

4. MFA.Crob.No.33/2026 is filed by respondent/Cross-objector seeking enhancement of compensation in MVC No.790/2024.



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

5. Even though the appeals and cross-objections are listed today for admission, they are taken up for disposal with the consent of learned counsel appearing for both parties.

6. The claimants in both the petitions were rider and pillion rider in bike bearing Regn.No.KA-08-EV-8565. They filed the claim petitions praying to award compensation for the injuries sustained by them in a road traffic accident occurred on 04.03.2024 contending that the accident occurred due to rash and negligent driving of the driver of KSRTC bus bearing Regn.No.KA-26-F-1163. The Tribunal after recording the evidence in both the claim petitions separately, assessed the compensation and awarded compensation holding that the accident occurred due to sole negligent driving of driver of KSRTC bus and awarded compensation in MVC No.789/2024 under various heads as under:

Sl.No.	Head of compensation	Amount (Rs.)
01.	Pain, shock and agony	40,000/-
02.	Medical expenses	2,50,953/-



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

03.	Food, diet, nourishment, conveyance and other incidental expenses	8,000/-
04.	Loss of income during treatment period	13,268/-
05.	Loss of income towards permanent disability	3,31,188/-
06.	Disappointment and discomfort and loss of amenities	20,000/-
	Total	6,63,409/-

7. The Tribunal awarded compensation in MVC No.790/2024 under various heads as under:

Sl.No.	Head of compensation	Amount (Rs.)
01.	Pain, shock and agony	40,000/-
02.	Medical expenses	1,24,051/-
03.	Food, diet, nourishment, conveyance and other incidental expenses	8,000/-
04.	Loss of income during treatment period	13,268/-
05.	Loss of income towards permanent disability	2,62,680/-
06.	Disappointment and discomfort and loss of amenities	20,000/-
	Total	4,67,999/-

8. The Tribunal has awarded interest @ 6% p.a. from the date of petition till payment of amount. The Corporation challenging the liability and quantum of compensation has



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

filed the appeals. The claimants filed cross-objections seeking enhancement of compensation awarded by the Tribunal.

9. Heard learned counsel for Corporation and learned counsel for Cross-objectors in both the appeals and cross-objections.

10. Learned counsel for the Corporation would contend that the driver of the bus was driving the bus slowly and at that time the rider of the two wheeler came in a rash and negligent manner and dashed the bus on the backside. The driver of the bus has been examined as RW.1 and his evidence indicates that he has not driven the bus negligently. It is not possible to overtake a vehicle and go into its front and apply brakes. The two wheeler dashed on the rear side of the bus itself indicate that the accident occurred due to rash and negligent riding of the motor cycle. The sketch of spot of the accident contained in Ex.P3/spot mahazar indicate that the accident occurred on the left side of the road at a



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

distance of 5 ft from the left side. Considering these aspects, the driver of the bus was not negligent in driving the bus and it is the rider of the motor cycle who drove his motor cycle in a rash and negligent manner and dashed on the rear side of the bus. Without considering these aspects, the Tribunal has saddled the entire liability on the Corporation. He further submits that considering the injuries sustained, disability taken, the compensation awarded on all heads are on higher side. With this, he prayed to allow the appeals.

11. Learned counsel for cross-objectors/claimants would contend that filing of charge sheet against the driver of the bus itself indicates that he drove the bus in a rash and negligent manner. The driver of the bus has not challenged filing of charge sheet. In the charge sheet itself it is clearly mentioned that driver of the bus over took the motor cycle of the claimants and suddenly stopped, as a result of which, the rider of the motor cycle dashed against back side of the bus. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to sole negligence on the part of



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

the driver of the bus. He further contended that accident occurred in the year 2024 and the notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.17,000/- and the same is to be taken as against Rs.13,268/- taken by the Tribunal based on minimum wages. The disability taken, multiplier applied in both the claim petitions is just and proper. The compensation awarded for pain and suffering, loss of amenities and loss of income during laid up period are on lower side. With this he prayed to dismiss the appeals and allow the cross objections.

12. Having heard the learned counsels, the Court has perused the judgment, award, depositions and marked documents made available by the counsel for cross-objectors.

13. The following points arise for consideration:

- (i) *Whether the Tribunal is justified in holding that the driver of the bus drove it in rash and negligent manner and caused the accident and the accident occurred*



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

due to sole negligence on the part of the bus driver?

(ii) Whether the compensation awarded in MVC No.789/2024 is just and proper?

(iii) Whether the compensation awarded in MVC No.790/2024 is just and proper?

Re.Point No.1

13. Ex.P6 is the charge sheet and it is filed against the driver of the bus for the offence under Sections 279 and 338 of IPC. In column No.17 of the charge sheet, it is mentioned that when claimants were riding their motor cycle bearing Regn.No.KA-08-EV-8565, a KSRTC bus bearing Regn.No.KA-26-F-1163 driven by its driver came there from Mysuru side towards Bengaluru and over took the motor cycle of the claimants and suddenly applied brake, as a result of which the motor cycle of the claimant dashed against the rear side of the bus and they sustained severe injuries. The said charge sheet itself indicate that accident occurred due to sole negligence on the part of the bus. Ex.P3 is the spot mahazar



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

containing sketch. As per the said sketch, the accident occurred on the left side of the road at a distance of 05 feet from left side and total width of the road is 22 feet. Ex.P4 is the Motor Vehicle Accident Report wherein it is mentioned that rear right side bumper body damage to the bus and front left indicator, head light mask, left rear view mirror damage to bike. Considering the said aspect, it is clear that due to sole negligence on the part of the bus, the accident has occurred. The Tribunal has rightly held that the accident has occurred due to the sole negligence on the part of the driver of the bus. Point No.1 is answered accordingly.

Re.Point No.2

14. The claimant has sustained Type 1 compound fracture of the left femur shaft with neck. PW.2- Doctor who examined him has assessed his disability at 49.5% in relation to left lower limb. Considering the said aspect, the Tribunal has rightly taken disability to the whole body at 16% which is $1/3^{\text{rd}}$ of the particular limb disability.



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

15. The Tribunal has taken income of the claimant at Rs.13,268/- based on minimum wages. The accident occurred in the year 2024 and as per the notional income fixed by the Karnataka State Legal Services Authority it is Rs.17,000/- p.m. and the said income is to be taken. The Tribunal considering the age of the claimant as 49 years has rightly applied multiplier '13'. In view of the above the claimant is entitled to loss of future income as under:

$$\text{Rs.17,000} \times 12 \times 13 \times 16\% = \text{Rs.4,24,320/-}$$

16. Considering the injuries noted supra, the compensation awarded for pain and suffering in a sum of Rs.40,000/- requires to be enhanced to Rs.50,000/- and loss of amenities awarded in a sum of Rs.20,000/- requires to be enhanced to Rs.25,000/-. The Tribunal has rightly awarded compensation towards conveyance charges in a sum of Rs.8,000/- since the claimant has been admitted in the hospital for 8 days. The Tribunal has rightly awarded compensation towards medical expenses. The claimant has



CNR: KAHC010835222025

NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

been admitted in the hospital for 8 days and considering the injury noted supra, he has to take rest atleast for two months and therefore, loss of income during laid up period requires to enhanced to Rs.34,000/- (Rs.17,000 x 2 months) as against Rs.13,268/- awarded by the Tribunal. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Head of compensation	Amount (Rs.)
01.	Loss of future income	4,24,320/-
02.	Medical expenses	2,50,953/-
03.	Food, diet, nourishment, conveyance and other incidental expenses	8,000/-
04.	Loss of income during laid up period	34,000/-
05.	Pain and suffering	50,000/-
06.	Loss of amenities	25,000/-
	Total	7,92,273/-

17. The claimant is entitled to total compensation of Rs.7,92,273/- as against Rs.6,63,409/- awarded by the Tribunal. Consequently, the claimant is entitled to enhanced compensation of Rs.1,28,864/- with interest @ 6% p.a. from



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

the date of petition till realization. Point No.2 is answered accordingly.

Re.Point No.3

18. As per Ex.P3 – wound certificate, the claimant has sustained communitied fracture of shaft of right humerus with wrist drop. PW.2 – Doctor has assessed disability and stated that disability to particular portion of body is 46.2%. The Tribunal has rightly taken disability to the whole body at 15% which is 1/3rd of disability to particular portion of body.

19. The Tribunal has taken income of the claimant at Rs.13,268/- p.m. based on minimum wages. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- p.m. and the same is to be taken. The Tribunal considering the age of the claimant as 53 years has rightly applied multiplier '11'. In view of the above the claimant is entitled to loss of future income as under:

$$\text{Rs.17,000} \times 11 \times 12 \times 15\% = \text{Rs.3,36,600/-}$$



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

20. Considering the fracture sustained by the claimant, the compensation awarded towards pain and suffering by the Tribunal in a sum of Rs.40,000/- requires to be enhanced to Rs.50,000/- and loss of amenities awarded by the Tribunal in a sum of Rs.20,000/- requires to be enhanced to Rs.25,000/- The claimant has been admitted in the hospital for 8 days and considering the same, compensation awarded for conveyance charges in a sum of Rs.8,000/- is just and proper. The Tribunal has rightly awarded medical expenses. Considering the injury sustained by the claimant, he has to take rest atleast for two months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.34,000/- (Rs.17,000 x 2 months). In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Head of compensation	Amount (Rs.)
01.	Loss of future income	3,36,600/-
02.	Medical expenses	1,24,051/-
03.	Food, diet, nourishment, conveyance and other incidental expenses	8,000/-



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

04.	Loss of income during laid up period	34,000/-
05.	Pain and suffering	50,000/-
06.	Loss of amenities	25,000/-
	Total	5,77,651/-

21. The claimant is entitled to total compensation of Rs.5,77,651/- as against Rs.4,67,999/- awarded by the Tribunal. Consequently, the claimant is entitled to enhanced compensation of Rs.1,09,652/- with interest @ 6% p.a. from the date of petition till realization. Point No.3 is answered accordingly.

22. In view of the above, the following:

ORDER

- i) MFA No.9724/2025 and MFA No.9777/2025 filed by the Corporation (NWKRTC) are dismissed.
- ii) MFA.Crob.No.32/2026 and MFA.Crob.No. 33/2026 are allowed in part.
- iii) The claimant in MFA.Crob.32/2026 is entitled to enhanced compensation of Rs.1,28,864/- with



NC: 2026:KHC:37162
MFA No. 9724 of 2025
C/W MFA No. 9777 of 2025
MFA.CROB No. 32 of 2026
AND 1 OTHER

interest @ 6% p.a. from the date of petition till realization.

- iv) The claimant in MFA.Crob.33/2026 is entitled to enhanced compensation of Rs.1,09,652/- with interest @ 6% p.a. from the date of petition till realization.
- v) The Corporation shall deposit the said enhanced amount with interest within a period of eight weeks from this day, failing which, it is liable to pay interest @ 9% p.a. from this day till payment of enhanced compensation amount.
- vi) The claimants are entitled to release of entire enhanced compensation.
- vii) The amount in deposit is ordered to be transferred to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 44
Ct.sm