



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF JANUARY, 2026
BEFORE
THE HON'BLE MR.JUSTICE C M JOSHI
MISCELLANEOUS FIRST APPEAL NO.4179 OF 2017 (MV-I)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION
MANDYA DIVISION
I FLOOR, KSRTC BUS STAND
MANDYA BY ITS
DIVISIONAL CONTROLLER
REPRESENTED BY ITS
BY ITS CHIEF LAW OFFICER

...APPELLANT

(BY SMT.RENUKA H R.,ADVOCATE)

AND:

S.VINAY
S/O.SUDARSHAN
AGED ABOUT 29 YEARS
NO. 108, SHIVAMURTHY BLOCK
BELAVADI
MYSURU-570 018

...RESPONDENT

(BY SRI SREENIVASAN M.Y., ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL FILED UNDER
SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988
PRAYING TO SET-ASIDE THE JUDGMENT AND AWARD DATED
21.11.2016 PASSED IN MVC.NO.33/2015 BY I ADDITIONAL
SENIOR CIVIL JUDGE AND MACT, MANDYA.

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



CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

None appears for the appellant.

2. Heard learned counsel appearing for respondent.

3. On the last occasion also, there was no representation for the appellant. Learned counsel for respondent submits that the matter may be heard, since the respondent is deprived of the compensation amount.

4. The present appeal is filed by the respondent assailing the judgment and award dated 21.11.2016 passed in MVC.No.33/2015 by I Additional Senior Civil Judge and MACT, Mandya (for short, 'the tribunal').

5. The appeal memo and the grounds urged therein show that the appellant, who was the respondent before the tribunal is disputing the disability assessed by the tribunal and the income of the claimant. The records reveal that the claimant had sustained degloving injury of left leg with swelling and deformity of left leg exposing the



underlying bones, traumatic avulsion injury of left leg (knee joint to ankle joint posterior aspect), avulsion injury 3 x 3 cm over lateral malleolus of left leg, multiple abrasions over calf present over left leg. The records also reveal that he was inpatient for more than 60 days. PW.2-Doctor, who assessed the disability of the claimant, stated that there is hypo and hyper pigmented scars over left lower limb and right thigh, left leg tendoachilles contracture is present, gait is altered as left heel is lifted off, squatting with left heel pad in contact with the ground is not possible and there was restrictions on the movement of the left ankle joint. The photographs which are produced at Exs.P160 to 165 show deformity in the left leg of the claimant. On perusal of these, the disability assessed by PW.2-Doctor at 73.15% definitely translates into the functional disability to the same extent.

6. The claimant was a Fitter and Lab Technician in an Engineering College and therefore, it definitely affects his earnings. The records to show that he has resigned the job



due to his disability. Therefore, the assessment of disability at 73.15% cannot said to be erroneous.

7. Insofar as the income of the claimant is concerned, the tribunal has taken the same at ₹5,100/- per month. Though there is no mention as to on which document the tribunal had placed reliance to come to such conclusion, it is to be observed that the said sum of ₹5,100/- per month is far below the wages fixed under the Minimum Wages Act, 1948 for the year 2014. Therefore, no fault can be found with the conclusion of the tribunal in that regard.

8. The claimant could have claimed a higher compensation including the future prospects. However, this Court feels that there being no appeal by the claimant, the same cannot be looked into. Therefore, this Court finds no merit in the appeal and the same is ***dismissed*** at the stage of admission itself.



NC: 2026:KHC:3246
MFA No. 4179 of 2017

The amount in deposit is ordered to be transmitted to the tribunal.

The original records is also ordered to be transmitted to the tribunal.

Sd/-
(C M JOSHI)
JUDGE

LB
List No.: 1 Sl No.: 4