



CNR: KAHC010336122021

NC: 2026:KHC:47649
MFA No. 4545 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 4545 OF 2021 (MV-I)

BETWEEN:

KUM. RAGINI
D/O SHIVAKUMAR
AGED ABOUT 24 YEARS
R/O CHEERNAHALLI VILLAGE
K R NAGAR TALUK
MYSURU DIST

...APPELLANT

(BY SRI. SYED AKBAR PASHA., ADVOCATE)

AND:

1. KUMARASWAMY S R
S/O S M RAJAPPA
AGED ABOUT 39 YEARS,
SHIRANGALA VILLAGE
KUSHALANAGAR HOBLI
SOMWARPET TALUK
MADIKERI DIST

2. DIVISIONAL CONTROLLER KSRTC
RURAL DIVISION
BANIMANTAP
MYSURU

...RESPONDENTS

(BY SMT. B. P. RADHA, ADVOCATE FOR R2;
V/O DATED 20.09.2021 NOTICE TO R1 IS D/W)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.08.07.2020 PASSED IN MVC
NO.255/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC

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PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND MACT, K.R.NAGARA, 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, being dissatisfied with the compensation of **Rs.6,36,912/-** awarded by the Tribunal, vide judgment and award dated 08.07.2020 in MVC No.255/2017, is in appeal.
2. The fact that the accident occurred and the further fact that the offending bus was belonging to respondent No.2 - KSRTC 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 sufferings	1,00,000
2.	Agony to parents and loss of their income during laid up period	45,000
3.	Medical expenses	23,912



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4.	Attendant charges, special diet and nutrition and conveyance	58,000
5.	Permanent disability, discomfort and loss of amenities	3,00,000
6.	Future medical expenses	10,000
7.	Loss of marriage prospects and loss of education	1,00,000
	Total	6,36,912

4. The Tribunal has erred in assessing lump-sum compensation towards disability on account of the injuries sustained by the claimant in view of the judgment of the Hon'ble Apex Court in the case of ***Kiran vs Sajjan Singh - 2015 (1) SCC 539.***

5. I have perused the evidence of PW.2-Doctor, Ex.P7-wound certificate and Ex.P18-disability certificate. The wound certificate discloses that the claimant sustained 2 x 15 cm long laceration wound on the front of right leg extending on the foot, tendons exposed, fracture of both bones, tibia and fibula of right leg.



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6. As per Ex.P18-disability certificate, the Doctor has assessed permanent disability of 52% to the right lower limb of the claimant. Having regard to the nature of the injuries sustained and the evidence of PW2 - the doctor, I deem it just and appropriate to assess the permanent disability of the claimant at 26%.

7. The Tribunal has not assessed the compensation under the head of 'loss of future income' on the ground that the claimant was a minor aged 17 years at the time of the accident. The said finding warrants interference in view of the judgment of the Hon'ble Apex Court in ***HITESH NAGJIBHAI PATEL VS. BABABHAI NAGJIBHAI RABARI AND ANOTHER***, in ***CIVIL APPEAL NO.10278/2025***, wherein it has been held that loss of income is required to be assessed even in a case involving a child who has suffered injuries or succumbed to the accident. In the instant case, the accident occurred at Krishnarajanagar of Mysuru District, which falls under Zone-III. As per the prevailing minimum wages in the year 2012 under the Minimum Wages Act, the wages for skilled labour in Zone-III ranged from Rs.6,500/- to Rs.7,500/- per month. Accordingly, I



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deem it just and proper to assess the notional income of the claimant at Rs.7,000/- per month.

8. Since the disability is at the rate of 26%, 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.9,800/- (7,000 + 40%).

9. Applying the multiplier of '15' and considering the disability at 26%, the claimant is entitled to a sum of **Rs.4,58,640/-** (Rs.9,800 x 12 x 15 x 26%) towards 'loss of future income'.

10. Considering the nature of injuries suffered by the claimant and the lasting effect of the injuries on the claimant, I deem it just and appropriate to award a sum of **Rs.1,00,000/-** towards '*loss of amenities*'.

11. Having regard to the length of the stay of the claimant in the hospital, the claimant would be entitled to a sum of **Rs.1,00,000/-** towards '*food, nourishment, transportation*



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charges and attendant charges' as against sum of Rs.58,000/- awarded by the Tribunal.

12. The sum awarded as medical expenses at **Rs.23,912/-** being based on the documentary evidence, do not call for modification and hence confirmed.

13. Having regard to the injuries sustained by the claimant in the accident, she is entitled to a sum of **Rs.2,00,000/-** towards 'Marriage prospects' instead of Rs.1,00,000/- awarded by the Tribunal.

14. The sums awarded under other heads of compensation granted by the Tribunal, remains unaltered.

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 this Court (Rs.)
1	Pain and sufferings	1,00,000
2	Loss of future income	4,58,640
3	Medical expenses	23,912



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4	Food, nourishment, transportation charges and attendant charges	1,00,000
5	Loss of amenities	1,00,000
6	Future medical expenses	10,000
7	Marriage prospectus	2,00,000
	Total	9,92,552

16. Thus, the claimant is held entitled to the total compensation of **Rs.9,92,552/-** as against Rs.6,36,912/- along with interest at the rate of 6% per annum from the date of petition till its realization.

17. The respondent No.2 - KSRTC 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**

GPG
List No.: 1 Sl No.: 23