



CNR: KAHC010346252021

NC: 2026:KHC:37040-DB
M.F.A. No.4688/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.4688/2021 (MV-I)

BETWEEN:

SRI. SRIRAM REDDY
S/O PEDDA DEVAREDDY
AGED ABOUT 40 YEARS
R/AT NADAMPALLI, MITTEMARI
BAGEPALLI TALUK
CHIKKABALLAPURA DISTRICT-562101.

...APPELLANT

(BY SRI. SHRIPAD V. SHASTRI, ADV.,)

AND:

THE MANAGING DIRECTOR
K.S.R.T.C. DEPOT
K H ROAD, SHANTHINAGAR
BENGALURU-560027.

...RESPONDENT

(BY SMT. RENUKA H.R. ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
CALL FOR THE ENTIRE RECORDS ON THE FILE OF THE IV
ADDITIONAL SCJ & ACMM & MEMBER MACT, BENGALURU IN
MVC NO.3276/2018. MODIFY THE JUDGMENT AND AWARD
DATED 03.03.2020 PASSED BY THE IV ADDITIONAL SCJ &

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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ACMM & MEMBER MACT, BENGALURU IN MVC NO.3276/2018 & ETC.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed challenging the judgment and award dated 03.03.2020 passed in M.V.C.No.3276/2018 by the Motor Accident Claims Tribunal, Bengaluru City SCCH-6 (for short, 'the Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. The brief facts leading to filing of this appeal are that the injured claimant filed a claim petition under



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Section 166 of the Motor Vehicles Act, 1988, seeking for compensation for the injuries and disability suffered in the road traffic accident that occurred on 28.03.2018. It was averred that the injured was proceeding on his motorcycle bearing registration No.KA-04-EF-1779 towards Mittermari near Kannampalli Village, Bagepalli Taluk, Chickballapura District. At that time, the driver of the bus bearing registration No.KA-40-F-724 came from opposite direction, driven in a rash and negligent manner and dashed against the motor cycle which resulted in the accident and the claimant sustained grievous injuries. It was further averred that the injured was shifted to Bagepalli Government Hospital and thereafter to Victoria Hospital, Bengaluru, and he was an inpatient in the said hospital from 29.03.2018 to 30.04.2018. It was also averred that he underwent surgery and his right leg at the knee level was amputated. It was contended that the injured was aged about 36 years, working as a Coolie, used to earn Rs.500/- per day and the accident was caused due to the



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actionable negligence of the driver of the bus. It was further contended that due to the injuries suffered and the amputation, the claimant is unable to do Coolie work and has lost his earning capacity and sought to allow the claim petition.

4. The respondent filed written statement denying the aspect of negligence, age, vocation and income of the injured claimant and sought to dismiss the claim petition. The Tribunal framed the issues for consideration. The parties led their evidence. The claimant examined himself as PW-1 and two witnesses as PW-2 and PW-3 and got marked Exs.P1 to P18. The respondent examined RW-1 but did not produce any documentary evidence. The Tribunal assessed the income of the injured at Rs.10,000/- p.m., assessed the disability at 30% and awarded total compensation of Rs.8,03,900/- with interest @ 9% p.a. from the date of petition till its realization. The claimant is in appeal seeking for higher compensation.



5. Sri.Sripad V. Shastri, learned counsel appearing for the appellant submits that the Tribunal has committed a grave error in assessing the income and disability of the claimant. It is submitted that the oral and documentary evidence on record has not been properly appreciated by the Tribunal. The Tribunal ought to have assessed the functional disability of the injured at 100% as his right leg at the knee level has been amputated and there are crush injuries. It is further submitted that the award of compensation by the Tribunal on all other heads is also on the lower side and is required to be re-assessed appropriately. It is also submitted that the appellant-injured would be entitled to additional 25% of the assessed income under the head of loss of future earning. In support of his contentions, he placed reliance on the decision of the Hon'ble Supreme Court in the case of



**SHANKAR DUTT Vs. UNITED INDIA INSURANCE CO.
LTD. AND OTHERS¹** Hence, he seeks to allow the appeal.

6. *Per contra*, Smt.Renuka H.R., learned counsel appearing for the respondent-Corporation supports the impugned judgment and award of the Tribunal and submits that the claimant has not produced any evidence with regard to the income and hence, his income is rightly assessed. It is submitted that the doctor has assessed the disability at 38% and considering the same, the Tribunal has assessed 30% disability which does not call for any modification. It is further submitted that the award of compensation by the Tribunal on all other heads is on the higher side and there is no scope for enhancement. Hence, he seeks to dismiss the appeal.

7. We have heard the arguments of the learned counsel for the appellant, learned counsel for the

¹ Civil Appeal No.8714/26 dt. 24.06.26



respondent and meticulously perused the material available on record including Tribunal records.

8. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

9. The above point is answered in the affirmative for the following reasons:

(a) The parties to the proceedings are not in dispute that the claimant met with a road accident on 28.03.2018 and the accident is caused due to the actionable negligence on the part of the driver of the KSRTC bus and they are liable to pay the compensation.

(b) The claimant was initially provided treatment at Bagepalli Government Hospital and thereafter, he was shifted to Victoria hospital, Bengaluru, where he was an



inpatient from 29.03.2018 to 30.04.2018. The claimant was provided treatment even after discharge.

(c) The claimant claimed that he was working as a Coolie and used to earn Rs.500/- per day. However, nothing is placed on record to substantiate the same. Hence, it would be appropriate to assess the income of the claimant at Rs.12,500/- p.m. placing reliance on the notional income chart prepared by the Karnataka State Legal Services Authority, to an unskilled labour.

(d) Insofar as the assessment of disability is concerned, the claimant has been examined as PW-1 and he has spoken with regard to the accident, injuries and disability suffered in the accident. Dr.Ramesh B. has been examined as PW-2 who has spoken with regard to the injuries suffered by the claimant and the treatment provided to him. The evidence of PW-2 indicates that the claimant sustained crush injury on his right side, his leg



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was amputated by performing surgery and he was discharged from the hospital on 30.04.2018. The wound certificate at Ex.P6 indicates the following injuries:

- 1. Complete amputation of (R) leg at level of ankle*
- 2. Lacerate 3x3 cm forehead (R) side*
- 3. Lacerate 1x1 cm over (Rt) side upper lip*
- 4. Multiple abrasions over face, lower lip and (RT) upper lip*

(e) PW-2 has assessed the physical disability to the whole body of the claimant at 38%. Considering the said evidence, the Tribunal has assessed the disability at 30%. In our considered view, the Tribunal has committed a grave error in assessing the disability on the lower side. Admittedly, the claimant was aged about 36 years and by vocation, was a Coolie and he would not be able to do the coolie work after his disability as his right leg at the knee level is amputated. Hence, this Court is required to assess the functional disability of the claimant and re-assess the compensation.



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(f) Considering the decision of the Hon'ble Supreme Court in the case of **SHANKAR DUTT** referred *supra*, we are of the view that ends of justice would be met if we assess the functional disability of the claimant at 85% by observing that the claimant would be able to do some lighter work with the help of prosthetic leg. The claimant is also entitled to addition of 25% of the assessed income under the head of loss of future earning due to disability.

(g) The claimant was inpatient for one month at Victoria Hospital, Bengaluru, and post discharge, he was provided treatment. By considering the said aspect and also taking note of the injuries suffered as well as the disability, we are of the view that the compensation awarded under the heads of pain and suffering, loss of income during the laid up period, loss of amenities, is required to be enhanced appropriately by awarding additional sum of Rs.35,000/- towards pain and suffering,



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Rs.45,000/- towards loss of amenities and having re-assessed the income at Rs.12,500/- p.m., the compensation under the head of loss of income during the laid up period is awarded at Rs.50,000/- (Rs.12,500 x 4). The interest awarded by the Tribunal remains unaltered. The re-assessed compensation is as under:

HEADS	AMOUNT (in Rs.)
Pain and suffering	75,000
Loss of amenities in life	75,000
Medical bills	23,900
Food, nourishment and conveyance charges	40,000
Loss of income during laid up period	50,000
Loss of future earning due to disability (12,500 + 25% x 12 x 15 x 85%)	23,90,625
Future medical expenses	1,00,000
TOTAL	27,54,525

10. Thus, the appellant-claimant shall be entitled to total compensation of **Rs.27,54,525/-** as against Rs.8,03,900/- awarded by the Tribunal.

11. In the result, this Court proceeds to pass the following:



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ORDER

- a) The appeal is ***allowed-in-part***.
- b) The impugned judgment and award of the Tribunal dated 03.03.2020 passed in M.V.C.No.3276/2018 by the Tribunal, is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.27,54,525/-** as against Rs.8,03,900/- awarded by the Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 9% per annum from the date of petition till the date of payment.
- d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.



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e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.

f) The Registry to transmit the TCR to the Tribunal forthwith.

Draw modified award accordingly.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 Sl No.: 8