



CNR: KAHC010356742025

NC: 2026:KHC:45794
MFA No. 4166 of 2025
C/W MFA No. 4169 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4166 OF 2025

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 4169 OF 2025

(MV-I)

IN MFA No. 4166/2025

BETWEEN:

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

SHIVANNA. G. R.
S/O RAJA,
AGED ABOUT 23 YEARS
R/AT NO.140, VTC
GANANGURURU VILLAGE
K.SHETTAHALLI HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT-571 438.

...APPELLANT

(BY SRI SREENIVASAN M Y, ADVOCATE)

AND:

THE DIVISIONAL MANAGER
K.S.R.T.C MANDYA DIVISION



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MANI DEPO, BANNIMANTAP
MYSORE-570 001.

...RESPONDENT

(BY SRI K NAGARAJA, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:30.11.2024
PASSED IN MVC No.451/2023 ON THE FILE OF THE
ADDITIONAL SENIOR CIVIL JUDGE, MACT, SRIRANGAPATNA,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 4169/2025

BETWEEN:

PRATHEEP @ PRADEEP
S/O LATE SRINIVASA
AGED ABOUT 37 YEARS
R/AT No.140, V T C
GANANAGURURU VILLAGE
K SHETTAHALLI HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT - 571 438.

...APPELLANT

(BY SRI SREENIVASAN M Y, ADVOCATE)

AND:

THE DIVISIONAL MANAGER
K.S.R.T.C MANDYA DIVISION
MANI DEPO, BANNIMANTAP
MYSORE - 570 001.

...RESPONDENT

(BY SRI K NAGARAJA, ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.11.2024 PASSED IN MVC No.452/2023 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 COMING ON FOR FINAL HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.4166/2025 is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 30.11.2024 passed in MVC No.451/2023 by the Additional Senior Civil Judge and MACT, Srirangapatna.

2. MFA No.4169/2025 is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 30.11.2024 passed in MVC No.452/2023 by the Additional Senior Civil Judge and MACT, Srirangapatna.



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3. The claimants in both claim petitions made claim petition praying to award compensation for the injuries sustained by them in a road traffic accident occurred on 23.02.2023 contending that the accident occurred due to rash and negligent driving of driver of KSRTC bus bearing Regn.No.KA-09-F-5124. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

In MVC No.451/2023

Sl.No.	Heads	Amount in (Rs.)
01.	Pain, shock and agony	30,000/-
02.	Medical expenses	22,000/-
03.	Food, diet, nourishment, conveyance and other incidental expenses	3,000/-
04.	Loss of income during treatment period	11,983/-
05.	Loss of income towards permanent disability	1,71,156/-
06.	Disappointment and discomfort and loss of amenities	15,000/-
	Total	2,53,139/-



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In MVC No.452/2023

Sl.No.	Heads	Amount in (Rs.)
01.	Pain, shock and agony	30,000/-
02.	Medical expenses	10,500/-
03.	Food, diet, nourishment, conveyance and other incidental expenses	3,000/-
04.	Loss of income during treatment period	13,244/-
05.	Loss of income towards permanent disability	1,66,860/-
06.	Disappointment and discomfort and loss of amenities	15,000/-
	Total	2,38,604/-

4. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent/KSRTC to deposit the award amount with interest. The claimants in both the claim petitions have filed the present appeals seeking enhancement of compensation awarded by the Tribunal.

5. Heard learned counsel for the appellants in both the appeals and learned counsel for respondent/KSRTC.

6. Learned counsel for appellants would contend that the notional income fixed by the Karnataka State Legal



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Services Authority for the year 2023 is Rs.16,250/- and that is to be taken as against the income taken by the Tribunal based on minimum wages. The Tribunal has rightly taken the disability considering the evidence of Doctor in both the claim petitions and rightly applied multiplier. Considering the injuries sustained the compensation awarded for pain and suffering, loss of income during laid up period, loss of amenities are on lower side. With this he prayed to allow the appeals.

7. Learned counsel for respondent/KSRTC would contend that the Tribunal has rightly taken the income of the claimants based on minimum wages and the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With this he prayed to dismiss the appeals.

8. Having heard the learned counsels, the Court has perused the judgment and award.



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9. The Tribunal in both the claim petitions has taken the notional income of the claimants based on minimum wages i.e. Rs.11,983/- and Rs.13,244/- respectively. The notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against the income taken by the Tribunal in both the claim petitions. The claimants in both the claim petitions have not challenged the disability taken by the Tribunal and the multiplier applied.

10. Considering the above aspect, loss of future income in MFA No.4166/2025 (MVC No.451/2023) is calculated as under:

$$\text{Rs.16,250} \times 12 \times 17 \times 9\% = \text{Rs.2,98,350/-}$$

11. The loss of future income in MFA No.4169/2025 (MVC No.452/2023) is calculates as under:

$$\text{Rs.16,250} \times 12 \times 15 \times 7\% = \text{Rs.2,04,750/-}$$



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In MVC No.4166/2025 (MVC No.451/2023)

12. The claimant has sustained the following injuries:

- Open lacerated wound on left upper eyelid.
- Abrasion and continuation over the face.
- Abrasion over the left forelimb around knee joint.

13. Out of the said injuries, injury No.1 is grievous in nature and it is fracture of knee. The claimant has been admitted in the hospital for three days. Considering the injuries sustained, the claimant is entitled to compensation towards pain and suffering in a sum of Rs.50,000/- as against Rs.30,000/- awarded by the Tribunal and loss of amenities in a sum of Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. Considering the injuries sustained by the claimant, the claimant has to take rest atleast for 3 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,750/-



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(Rs.16,250 x 3 months). The Tribunal has rightly awarded medical expenses, attendant and conveyance charges.

14. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Loss of amenities	30,000/-
03.	Loss of future income	2,98,350/-
04.	Loss of income during laid up period	48,750/-
05.	Medical expenses	22,000/-
06.	Attendant and conveyance charges	3,000/-
	Total	4,52,100/-

15. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,52,100/- as against Rs.2,53,139/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,98,961/- with interest @ 6% p.a. from the date of petition till realization. Respondent/KSRTC is liable to pay the enhanced compensation with interest.



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MVC No.4169/2025 (MVC No.452/2023)

16. The claimant has sustained the following injuries:

- Pain and swelling in the right lower limb around ankle joint.
- Abrasion over the right forehead.

17. Out of the said injuries, injury No.1 is grievous in nature and it is fracture of ankle. Considering the said injuries sustained, the claimant is entitled to compensation towards pain and suffering in a sum of Rs.40,000/- as against Rs.30,000/- awarded by the Tribunal and loss of amenities in a sum of Rs.25,000/- as against Rs.15,000/- awarded by the Tribunal. Considering the said injuries sustained by the claimant, he has to take rest atleast for 3 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,750/- (Rs.16,250 x 3 months). The Tribunal has rightly awarded medical expenses, attendant and conveyance charges.



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18. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	40,000/-
02.	Loss of amenities	25,000/-
03.	Loss of future income	2,04,750/-
04.	Loss of income during laid up period	48,750/-
05.	Medical expenses	10,500/-
06.	Attendant and conveyance charges	3,000/-
	Total	3,32,000/-

19. Considering the above aspects, the claimant is entitled to total compensation of Rs.3,32,000/- as against Rs.2,38,604/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.93,396/- with interest @ 6% p.a. from the date of petition till realization. Respondent/KSRTC is liable to pay the enhanced compensation with interest.

20. In view of the above, the following:

ORDER

- i) Both the appeals are allowed in part.



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- ii) The appellant/claimant in MFA No.4166/2025 (MVC No.451/2023) is entitled to enhanced compensation of Rs.1,98,961/- with interest @ 6% p.a. from the date of petition till realization.
- iii) The appellant/claimant in MFA No.4169/2025 (MVC No.452/2023) is entitled to enhanced compensation of Rs.93,396/- with interest @ 6% p.a. from the date of petition till realization.
- iv) Respondent/KSRTC shall deposit the enhanced compensation with interest in both the appeals before the Tribunal within a period of six weeks from this day.
- v) Appellants/claimants are entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 2
Ct.sm