



CNR: KAHC010384292022

NC: 2026:KHC:45211
MFA No. 5947 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5947 OF 2022(MV-I)

BETWEEN:

SRI NAGARAJ @ KOTRABASAPPA NAGARAPPA
S/O KOTRABASAPPA
AGED ABOUT 40 YEARS,
R/O KAIDALE CAMP
KAIDALE VILLAGE
DAVANGERE 577 525

...APPELLANT

(BY SMT. SARVARANI, ADVOCATE FOR
SRI. CHANDRASHEKAR RODNAVAR, ADVOCATE)

AND:

THE BRANCH MANAGER
KSRTC BUS, DAVANGERE DEPO
DAVANGERE-577 525

...RESPONDENT

(BY SMT. SUMANGALA A SWAMY, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.26.10.2021 IN MVC NO.6327/2018 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU, (SCCH-15), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The claimant, being dissatisfied with the compensation of Rs.87,206/- awarded by the Tribunal in MVC.No.6327/2018 vide judgment and award dated 26.10.2021, is in appeal.

2. The fact that the accident occurred and the further fact that the offending bus belongs to 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.	Global compensation	25,000
2.	Towards hospital and medicine charges	62,206
TOTAL		87,206

4. Though it is contended by the claimant that due to the accidental injuries there is hearing impairment caused to him, the Tribunal has not considered the said plea of the claimant and not awarded compensation under the head "loss of future income". Before the Tribunal, the claimant has



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produced disability certificate at Ex.P18 issued by the Medical Authority, Davangere, wherein the Medical Authority has opined that the claimant has sustained 43% permanent disability in relation to his (part of body) as per the guidelines. According to the Medical Authority, it is the case of hearing impairment and diagnosed that there is right sever SNAL and left loderotery sever SNAL. Learned counsel for the appellant has produced the original disability certificate before this Court.

5. This Court, on the last date of hearing, given liberty to the learned counsel for the appellant to keep present the appellant before this Court. Accordingly, today, the appellant is present before this Court. On interaction, the appellant is unable to hear any question posed by this Court. He is able to make conversation through his son, who is present with him. The appellant's son states that, before the accident, his father was able to hear and due to accidental injuries there is hearing impairment, as such, he is unable to hear. Moreover, the claimant, through his son states that due to the hearing impairment he being a coolie, unable to receive command from his employer, as such, presently he is jobless. In such



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circumstances, it could be easily gathered that the hearing impairment caused due to the accidental injuries, effected his earning capacity. Moreover, the Medical Authority also stated that there is 43% disability in respect of hearing impairment. In such circumstances, I am of the considered view that the Tribunal is not justified in not considering the disability of the claimant and not awarding any compensation on the head of 'loss of future income'. Thus, by considering the disability certificate and interaction with the claimant, i am of the considered view that the functional disability of the claimant could be assessed at 25%.

6. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2018, would be **Rs.12,500/-**

7. As the disability is assessed at 25%, 25% future prospects requires to be added to the said income since the claimant was aged about 40 years, which would be **Rs.15,625/-** (12,500 + 25%).



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8. As the claimant was not crossed 40 years, the Tribunal has rightly applied a multiplier of '15'. Consequently, the claimant would be entitled to a sum of **Rs.7,03,125/-** (15,625 x 12 x 15 x 25%) towards '*loss of future income*'.

9. Having regard to the injuries suffered by the claimant, I deem it appropriate to award a sum of **Rs.50,000/-** towards '*pain and suffering*'.

10. Having regard to the injuries sustained, length of stay and treatment taken in the Hospital by the claimant, I deem it appropriate to award a sum of **Rs.37,500/-** towards '*loss of income during the laid up period*' (Rs.12,500 X 3 months) considering the laid up period as three months.

11. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.50,000/-** towards loss of '*amenities*'.

12. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries suffered, I deem it just and appropriate to award a sum of



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Rs.15,000/- towards '*food, nourishment, and attendant charges*'.

13. The sum awarded as '*medical expenses*' at **Rs.62,206/-**, being based on documentary evidence, do not call for modification and hence confirmed.

14. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:

Sl. No.	Compensation under different Heads	Amount in (Rs.)
1.	Pain and suffering	50,000
2.	Loss of future income	7,03,125
3.	Medical expenses	62,206
4.	Food, nourishment and attendant charges	15,000
5.	Loss of income during treatment period	37,500
6.	Loss of amenities	50,000
Total		9,17,831

15. Thus, the claimant is held entitled to the total compensation of **Rs.9,17,381/-** as against Rs.87,206/- along with interest at the rate of 6% per annum from the date of petition till its realization.



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16. The Insurance Company 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.***

Pending I.As., if any, stand disposed of.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 15