



CNR: KAHC010394892026

NC: 2026:KHC:54441
MFA No. 4332 of 2026
C/W MFA No. 1250 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4332 OF 2026

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 1250 OF 2026

(MV-I)

IN MFA No. 4332/2026

BETWEEN:

KUM.N.GAYATHRI
D/O NAGARAJU.M
AGED ABOUT 27 YEARS
RESIDING AT No.392
5TH CROSS, G.N.R GARDEN
BABUSAPALYA
VTC: BENGALURU NORTH
PO: KALYANANAGAR, DIST:
BENGALURU-560 043
KARNATAKA.



...APPELLANT

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,
MOTOR CLAIMS HUB,

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



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BMTC, SHANTHINAGAR
BENGALURU-560 027.

...RESPONDENT

(BY SRI ASHWINI B N, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:14/11/2025
PASSED IN MVC No.9387/2024 ON THE FILE OF THE XVII
ADDL JUDGE, COURT OF SMALL CAUSES, AND MEMBER,
MACT, MAYO HALL UNIT, BENGALURU (SCCH-21)., PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 1250/2026

BETWEEN:

THE MANAGING DIRECTOR
MOTOR CLAIMS HUB
BMTC, SHANTHINAGAR
BANGALORE-560 027.
(BMTC BUS No. KA-57-F-0823)

...APPELLANT

(BY SRI. ASHWINI B N, ADVOCATE)

AND:

KUM. N GAYATHRI
D/O NAGARAJU. M
AGED ABOUT: MAJOR
RESIDING AT No.392, 5TH CROSS
G.N.R GARDEN, BABUSAPALYA
V T C: BENGALURU NORTH

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PO: KALYANANAGAR
BANGALORE DISTRICT – 560 043.
KARNATAKA.

...RESPONDENT

(BY SRI GURUDEVA PRASAD K T, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:14.11.2025 PASSED IN MVC No.9387/2024 ON THE FILE OF THE XVII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, MAYO HALL UNIT, BENGALURU (SCCH-21), AWARDED COMPENSATION OF Rs.11,24,555/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.4332/2026 is filed by the claimant seeking enhancement of compensation and MFA No.1250/2026 is filed by the BMTC challenging the judgment and award dated 14.11.2025 passed in MVC No.9387/2024 by the XVII Additional Judge, Court of Small Causes, Member, MACT, Bengaluru (SCCH-21).

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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsels appearing for both the parties.

3. The claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 17.12.2024 contending that the accident occurred due to rash and negligent driving of the driver of BMTC Bus bearing Regn.No.KA-57-F-0823. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	30,000/-
02.	Medical expenses	2,28,715/-
03.	Loss of future earning disability	6,99,840/-
04.	Loss of earnings during laid up period	36,000/-
05.	Nutritious food and attendant charges	30,000/-
06.	Loss of future amenities and loss of happiness as well as marriage prospects	1,00,000/-
	Total	11,24,555/-

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4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent/BMTC to deposit the award amount with interest. The claimant has filed the appeal seeking enhancement of compensation and BMTC has filed the appeal challenging the liability/negligence and also quantum of compensation awarded.

5. Heard learned counsel for the claimant and learned counsel for BMTC.

6. Learned counsel for the claimant would contend that the claimant has sustained three injuries which includes head injury. PW.2 – Doctor who examined her has assessed disability at 26.6% to the whole body and Tribunal has erred in taking the disability at 18%. The compensation awarded towards pain and suffering, loss of amenities are on lower side. With this he prayed to allow the appeal.

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7. Learned counsel for BMTC would contend that there is contributory negligence on the part of the claimant as she was standing on the road and contributed to the accident. Ex.P5 - sketch indicate that the accident occurred on the road and not in the Bus stop as contended. The bus driver in order to avoid the accident due to over taking by a tempo took the bus on the left side and dashed against the claimant. Therefore, there is contributory negligence on the part of the claimant. She further contends that the claimant was working as a Voice Processor at Shobha Limited and the disability has not affected her income. Therefore, she is not entitled for loss of future income due to disability as awarded by the Tribunal. PW.2 is not a treated Doctor and disability stated by her is on higher side. Even the disability taken by the Tribunal at 18% is on higher side. PW.2-Doctor has examined the claimant after 8 months of the accident. With this she prayed to allow the appeal filed by BMTC.

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

9. The accident occurred on 17.12.2024 at 9.30 a.m. Ex.P8 is the charge sheet filed against the driver of BMTC bus for rash and negligent driving. The said charge sheet has not been challenged by the driver of the bus. On perusal of Ex.P5 – sketch, the accident has taken on the left side of the road on which the bus was moving and it is in front of bus stop. The BMTC has not examined any of the eye witnesses except examining the driver of the bus. Considering the said aspect, the Tribunal has rightly held negligence on the part of driver of BMTC bus.

10. The claimant has sustained the following injuries:

- Swelling with tenderness present over back of the head involving occipital region of scalp.
- A vertically placed laceration present over medial aspect of right eye-brow measuring 3cm x 0.5 cm x 0.5 cm

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- Abrasions present over right nasal alae on both sides each measuring 0.5 cm x 0.5 cm respectively.

11. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.30,000/- is on lower side and the claimant is entitled to compensation towards pain and suffering in a sum of Rs.1,00,000/-. Considering the said injuries sustained by the claimant and loss of marriage prospects, the Tribunal has rightly awarded Rs.1,00,000/-. The Tribunal considering the bills has rightly awarded Rs.2,28,715/- towards medical bills. Considering the said injuries, the Tribunal has rightly awarded loss of income during laid up period in a sum of Rs.36,000/-.

12. The Tribunal based on the entries in the bank pass-book at Ex.P16 of the claimant and her evidence, has rightly taken the income at Rs.18,000/- p.m. The Tribunal has rightly applied multiplier '18'.

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13. PW.2 is the Doctor who has examined the claimant and assessed her disability and stated that the claimant is having disability to the whole body at 26.6%. The said disability assessed by PW.2 – Doctor is based on neuro psychological report as per Ex.P20 issued by Dr.Arptha Y.P. The said Dr.Arptha Y.P. has not been examined. The claimant herself has given evidence. Considering the said aspect, the Tribunal has rightly taken the functional disability at 18%. The claimant resigned from her job with Shobha Limited and Ex.P17 is the e-mail of resignation of the claimant. In the said e-mail she resigned from the job due to accidental injuries sustained by her. Considering the said aspect, the Tribunal has rightly awarded loss of future income due to disability.

14. Considering the above aspects, the claimant is entitled to enhanced compensation only under pain and suffering in a sum of Rs.70,000/- with interest @ 6% p.a. from the date of petition till realization. Respondent/BMTC

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is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following:

ORDER

- i) The appeal filed by the BMTC in MFA No.1250/2026 is dismissed.
- ii) The appeal filed by the claimant in MFA No.4332/2026 is allowed in part.
- iii) The appellant/claimant is entitled to enhanced compensation of Rs.70,000/- with interest @ 6% p.a. from the date of petition till realization.
- iv) The BMTC shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- v) The claimant is entitled to release of entire enhanced compensation.

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vi) The amount in deposit is ordered to be transferred to the Tribunal.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

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