



CNR: KAHC010396402025

NC: 2026:KHC:51288
MFA No. 4560 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO. 4560 OF 2025 (MV-

I)

BETWEEN:

SRI PRABHAKAR
S/O MARINAYAKA
AGED ABOUT 53 YEARS
R/AT HILEKARE, DEVANGI POST
THEERTHAHALLI TALUK
SHIMOGGA DISTRICT-577 432.

...APPELLANT

(BY SRI A S GIRISH, ADVOCATE)

AND:

Digitally signed
by

PADMASHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

1. KARNATAKA STATE ROAD TRANSPORT
CORPORATION(KSRTC)
"SARIGE BHAVANA", K.H.ROAD
SHANTI NAGAR
BENGALURU-560 001.

BY ITS MANAGING DIRECTOR
(OWNER OF KSRTC BUS BEARING
No.KA-17-F-1527).

2. SMT. KAVITHA
W/O SUNDARARAJAN
MAJOR IN AGE, R/AT No.7, RCC



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206/261, S.G.MUTT ROAD
CHAMARAJPET
BENGALURU-560 002.
(OWNER OF LORRY BEARING
No.KA-01-AF-2811).

3. NATIONAL INSURANCE COMPANY
No.144, 2ND FLOOR
SHUBHARAM COMPLEX
M.G.ROAD, BENGALURU-560 001.

BY ITS MANAGER
(INSURER OF LORRY BEARING
No.KA-01-AF-2811).

...RESPONDENTS

(BY SRI SAMARTH PRAKASH, ADVOCATE FOR R1
V/O DTD. 07.01.2026, NOTICE TO R2 IS DISPENSED WITH
SRI SHIVARAJ PATIL, ADVOCATE FOR R3)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:29.10.2024
PASSED IN MVC No.6069/2022 ON THE FILE OF THE CHIEF
JUDGE, COURT OF SMALL CAUSES AND MEMBER, PRINCIPAL
MACT, BENGALURU, (SCCH-1), 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 SHIVASHANKAR AMARANNAVAR



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ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 29.10.2024 passed in MVC No.6069/2022 by the Chief Judge, Court of Small Causes and Member, Prl.MACT, Bengaluru (SCCH-1).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent Nos.1 and 3.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 29.05.2018 contending that the accident occurred due to rash and negligent driving of the driver of KSRTC bus bearing registration No.KA-17-F-1527. The Tribunal after recording the evidence of the parties, appreciating the evidence



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assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,00,000/-
02.	Towards treatment	20,700/-
03.	Towards attendant, conveyance and nourishment charges	50,000/-
04.	Towards loss of income during treatment period	75,000/-
05.	Loss of amenities and future happiness	80,000/-
Total		3,25,700/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent Nos.1 and 3.

6. Learned counsel for the appellant would contend that even though the Doctor has stated that



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claimant has sustained disability, the Tribunal has not awarded anything towards loss of future income due to disability. PW.2 – Doctor has stated that the claimant has sustained 50% disability to left upper limb and 20% to right lower limb and 27% to the whole body. PW.2 – Doctor has also stated that implants have been fixed to the upper limb and lower limb and they are required to be removed and the claimant has to undergo surgeries. In spite of that the Tribunal has not awarded future medical expenses. With this he prayed to allow the appeal.

7. Learned counsel for respondent Nos.1 and 3 both submit that the Doctor has stated in his cross-examination that the fractures are united and the Doctor is not the treated Doctor. The claimant has not produced any document to show loss of his income. With this they prayed to dismiss the appeal.



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8. Having heard the learned counsels, the Court has perused the judgment, award and other materials placed on record.

9. The accident occurred on 29.05.2018 and as on the date of accident the claimant was aged 48 years. It is stated that the claimant was working as a Chef in a Bar and Restaurant. The claimant has sustained Type 3B open fracture both bones of left forearm and Type 3B open fracture both bones of right leg. PW.2 is the Doctor who examined the claimant and has assessed disability of 50% to left upper limb, 20% to right lower limb and 27% to the whole body. Even inspite of the said disability assessed by the Doctor, the Tribunal has not awarded any compensation towards loss of future income due to disability only on the ground that document has not been produced by the claimant to show the loss of future income. Since the claimant was working as a Chef in a Bar and Restaurant, the disability sustained by him due to accidental injuries will definitely affect his work as Chef.



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Considering the said evidence of PW.2 – Doctor, the functional disability is to be taken at 15%. The Tribunal has taken the notional income at Rs.12,500/-. As the claimant is aged 48 years, the multiplier applicable is 13. In view of the above, loss of future income is calculated as under:

$$\text{Rs.12,500} \times 12 \times 13 \times 15\% = \text{Rs.2,92,500/-}$$

10. The Doctor has stated that the implants are fixed to upper limb and also to lower limb and claimant has to undergo surgery for removal of implants. Considering the said aspect, the claimant is entitled to future medical expenses of Rs.60,000/-. The claimant is not seeking any enhancement of compensation awarded by the Tribunal under other heads.

11. In view of the above, the claimant is entitled to enhanced compensation of Rs.3,52,500/- (Rs.2,92,500/- + Rs.60,000/-). Consequently, the claimant is entitled to enhanced compensation of Rs.3,52,500/- with interest @



6% p.a. from the date of petition till realization. The claimant is not entitled to interest on future medical expenses of Rs.60,000/-. The claimant is also not entitled to interest for the delay period of 121 days in filing the appeal as per order dated 07.01.2026 passed on I.A.1/2025. The Tribunal has fixed liability on respondent Nos.1 and 3 at 50% each. Therefore, the respondent Nos.1 and 3 are equally liable to pay the enhanced compensation amount with interest.

12. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.3,52,500/- with interest at the rate of 6% per annum from the date of petition till realization.



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- iii) Respondent Nos.1 and 3 shall deposit the enhanced compensation in the ratio of 50% each.
- iv) The claimant is not entitled to interest for the delay period of 121 days in filing the appeal.
- v) The claimant is not entitled to interest on future medical expenses of Rs.60,000/-.
- vi) The appellant -claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 SI No.: 39
Ct.sm