



CNR: KAHC010475112025

NC: 2026:KHC:51825
MFA No. 5378 of 2025
C/W MFA No. 4765 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.5378 OF 2025(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.4765 OF 2025(MV-I)

IN MFA No. 5378/2025

BETWEEN:

SRI. RANGANATHA K.,
S/O SRI. KANTHARAJU,
AGED ABOUT 29 YEARS,
OCC: UBER DRIVER,
R/AT MUDDIPALYA VILLAGE,
SIRA TALUK,
DODDA AGRAHARA,
TUMKUR,
KARNATAKA - 572 125.

...APPELLANT

(BY SRI. GUTHAL SIVAPPA SHANKARAPPA., ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTCCENTRAL OFFICE,
K.H. ROAD,
SHANTHINAGAR,
BANGALORE - 560 027.

...RESPONDENT

(BY SRI. NAGARAJA K., ADVOCATE)





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THSI MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:04.04.2025 PASSED IN MVC NO.1657/2024 ON THE FILE OF THE MEMBER, MACT, C/c XXIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU CITY (SCCH-25), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 4765/2025

BETWEEN:

THE MANAGING DIRECTOR
B.M.T.C. CENTRAL OFFICER,
K H ROAD, SHANTHINAGAR,
BENGALURU - 560 027.
NOW THROUGH CHIEF LAW OFFICER,
B.M.T.C BANGALORE

...APPELLANT

(BY SRI. NAGARAJA K., ADVOCATE)

AND:

SHRI. RANGANATHA K.
S/O SRI KANTHARAJU,
AGE ABOUT 29 YEARS,
R/AT MUDDIPALYA VILLAGE,
SIRA THALUK,
DODDA AGRAHARA, TUMKUR,
KARNATAKA - 572 125.

...RESPONDENT

(BY SRI. GUTHAL SIVAPPA SHANKARAPPA., ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:04.04.2025 PASSED IN MVC NO.1657/2024 ON THE FILE OF THE MEMBER, MACT, C/C XXIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU, SCCH-25 AWARDDING COMPENSATION OF RS.13,60,120/- WITH INTEREST AT 6 PERCENT P.A. (EXCLUDING FUTURE MEDICAL EXPENSES) FROM THE DATE OF PETITION TILL REALIZATION.

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.5378/2025 is filed by the claimant, seeking enhancement of compensation and MFA.No.4765/2025 is filed by the BMTC (for short, 'Corporation'), challenging the liability and quantum of compensation awarded in the Judgment and Award dated 04.04.2025 passed in MVC.No.1657/2024 by XXIII Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-25).

2. The appellant-claimant made a claim petition claiming compensation for the injuries sustained in a road traffic accident occurred on 27.01.2024, contending that

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the accident occurred due to the sole negligence on the part of the driver of the BMTC bus bearing Reg.No.KA.57.F.5098. The Tribunal after recording the evidence of both the parties, appreciating the evidence on record and assessed the compensation and awarded a total compensation under various heads as under:

Sl. No.	Head	Amount (Rs.)
a.	Towards pain and agony	65,000.00
b.	Towards medical expenses	3,19,600.00
c.	Towards loss of income during laid up period	66,000.00
d.	Towards disability	7,40,520.00
e.	Towards food, nourishment and conveyance	40,000.00
f.	Towards attendant charges	14,000.00
g.	Towards loss of amenities	60,000.00
h.	Towards future medical expenses	55,000.00
TOTAL		13,60,120.00

3. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed the BMTC to deposit the award amount with interest. The BMTC has challenged the entire negligence attributed to the driver of the bus and also quantum of

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compensation. The claimant has filed appeal seeking enhancement of compensation awarded by the Tribunal.

4. Heard the learned counsel appearing for BMTC and learned counsel appearing for the claimant.

5. The learned counsel for the BMTC contended that the accident occurred, when the claimant was overtaking the BMTC bus from its right side and he dashed to the bus at the time of overtaking. The damage is noted in Ex.P4-IMV report, clearly indicated that there is a damage to the right side body of the bus and right side of bumper and damage to the motorcycle on right and left side of body and not on its back.

6. The BMTC bus driver has been acquitted in the criminal case. Considering the said aspect, there is no negligence on the part of the driver of the bus. He further contended that, the claimant has sustained injuries noted in Ex.P6-wound certificate. The doctor who has assessed the disability has not seen the patient and only perused

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the discharge summary and stated the disability. The disability stated by the doctor is on higher side, so also the disability taken by the Tribunal. The compensation awarded by the Tribunal, towards pain and suffering, loss of amenities, loss of income during laid up period, attendant conveyance charges, food and nourishment, future medical expenses are on higher side, with this, he prayed to allow the appeal filed by the BMTC.

7. The learned counsel for claimant would contend that, the occupation of the claimant is driver and he was driving Uber vehicle. After accident, he sold his vehicle. Due to the injuries sustained in the accident, he cannot continue his occupation as driver and therefore, disability is to be taken at 100%. The compensation awarded towards pain and suffering, loss of income during laid up period, future medical expenses are on lower side. The Tribunal, in paragraph No.21 on page 21, has held that the income of the claimant is Rs.22,500/- and his annual income is Rs.2,70,000/-. But while calculating the loss of

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future income due to disability, the Tribunal has taken the income at Rs.16,500/-. Therefore, the income is to be taken at Rs.22,500/-.

8. Learned counsel further submits that, charge sheet has been filed against the driver of the bus and on seeing the sketch-Ex.P3, the driver of the bus came on extreme right side of the road and dashed to the motorcycle and thereafter, the bus ran over the left leg of the claimant. Considering the said aspect, the Tribunal has rightly held that it is sole negligence on the part of the driver of the BMTC bus. Hence, he prayed to allow the appeal filed by the claimant.

9. Having heard the learned counsel for appellant-claimant and learned counsel for BMTC in both the appeals, the Court has perused the impugned Judgment and Award and the trial Court records.

10. The following points arises for consideration:

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- (1) *"Whether the Tribunal is justified in holding that the accident occurred due to the sole negligence on the part of the driver of the BMTC bus bearing Reg.No.KA.57.F.5098?"*
- (2) *Whether the compensation awarded by the Tribunal is just and proper?"*

REASONS

Point No.1:

11. The accident occurred on 27.01.2024 at 7.20 p.m. Ex.P5 is the charge sheet and it is filed against the driver of the BMTC bus, for offences under Section 279 and 338 of IPC. The driver of the BMTC bus has not challenged the said charge sheet and he faced trial. Ex.R7 is a certified copy of the judgment passed in Criminal Case No.3529/2024 registered against the driver of the BMTC bus, wherein the driver of the BMTC bus has been acquitted for offence punishable under Section 279 and 338 of IPC. On perusal of the reasoning in the said judgment, the driver of the BMTC bus has been acquitted on the benefit of doubt, considering that the evidence is

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insufficient to prove the guilt of the accused. Merely because the driver of the BMTC bus is acquitted, it is not a ground to hold that accident is not occurred due to the rash and negligent driving on the part of the BMTC driver, since his acquittal is based on benefit of doubt.

12. Upon perusal of Ex.P3-sketch, the BMTC bus came on right side of the road and dashed to the motorcycle of the claimant. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to the rash and negligence on the part of the driver of the BMTC bus. Accordingly, Point No.1 is answered.

Point No.2:

13. The accident occurred on 27.01.2024 and as on the date of the accident, the claimant was aged 29 years and his avocation is driver and he was driving Uber car. The Tribunal, considering that the claimant was the driver of the Uber car, has rightly assessed his income at Rs.22,500/- and his annual income at Rs.2,70,000/-. In

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paragraph No.21, on page 21 of the judgment, even though the Tribunal has held that the claimant's monthly income is Rs.22,500/-, but while calculating the loss of future income due to disability, which has taken the income at Rs.16,500/-. The Tribunal ought to have taken the income at Rs.22,500/- as held by it.

14. The said finding of the Tribunal is based on the decision of the Hon'ble Apex Court in the case of **SUSHEELA AND OTHERS vs. RAM SWAROOP AND OTHERS** reported in **2023 ACJ 2028**. In the said decision of the Hon'ble Apex Court, the income of the driver of the heavy vehicle for the year 2012 is taken at Rs.20,000/-. Considering the said aspect and that the accident occurred in the year 2024, the Tribunal rightly taken the income at Rs.22,500/-.

15. The claimant has sustained left tibia mid 3rd fracture with bone deep abrasions over left foot dorsum and toes with loss of skin, soft tissue extensor tendons

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and abrasion of tarsal and metatarsal bones and phalanx
great toe proximal phalanx fracture.

16. Considering the said injuries, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.65,000/- and loss of amenities in a sum of Rs.60,000/- is just and proper. The Tribunal has awarded loss of income during the laid up period for 4 months by taking income at Rs.16,500/-. As now income taken is Rs.22,500/-, the claimant is entitled to loss of income during laid up period in a sum of **Rs.90,000/-** (Rs.22,500x4).

17. The claimant has been admitted in the hospital for 14 days and therefore, he is entitled to attendant, conveyance charges, food and nourishment etc., in a sum of **Rs.14,000/-** (Rs.1,000x14) as against Rs.40,000/- awarded towards food nourishment and conveyance and Rs.14,000/- towards attendant charges.

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The Tribunal, based on the bills has rightly awarded medical expenses of Rs.3,19,600/-.

18. PW2 is a doctor who has examined the claimant and assessed his disability and stated that the claimant has sustained 50.45% disability to the left lower limb and 25.22% to the whole body. Such that, the Tribunal has taken the disability at 22%. In case of disability to the lower limb, $1/3^{\text{rd}}$ of the same is to be taken as disability to the whole body. Therefore, disability to be taken is 16.81% ($1/3^{\text{rd}}$ of 50.45%) and it is rounded off to 17%.

19. The Tribunal considering the age of the claimant has rightly applied multiplier '17'. In view of the same, the loss of future income due to disability is calculated as Rs.22,500x12x17x17% which comes to **Rs.7,80,300/-**. The doctor has stated that the claimant has to undergo two surgeries for removal of implant and therefore, the claimant is entitled to future medical expenses of

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Rs.60,000/- as against Rs.55,000/- awarded by the Tribunal.

20. The claimant is entitled to total compensation under various heads as under:

Sl. No.	Head	Amount (Rs.)
a.	Towards pain and agony	65,000.00
b.	Towards medical expenses	3,19,600.00
c.	Towards loss of income during laid up period	90,000.00
d.	Towards disability	7,80,300.00
e.	Towards food, nourishment and conveyance and attendant charges	14,000.00
f.	Towards loss of amenities	60,000.00
g.	Towards future medical expenses	60,000.00
TOTAL		13,88,900.00

21. The claimant is entitled for total compensation of **Rs.13,88,900/-** as against Rs.13,60,120/- with interest at the rate of 6% p.a. from the date of petition till realisation. Consequently, the claimant is entitled to enhanced compensation of **Rs.28,780/-** (Rs.13,88,900 - Rs.13,60,120) with interest at the rate of 6% p.a., from the date of petition till realisation.

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22. The claimant is not entitled to interest on the future medical expenses of Rs.5,000/-. The BMTC is liable to pay the enhanced compensation with interest.

23. In view of the above, the following:

ORDER

- i) Both the appeals are ***allowed in part.***
- ii) The appellant-claimant in MFA.No.5378/2025 is entitled to enhanced compensation of ***Rs.28,780/-*** with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) The appellant-claimant is not entitled to interest on enhanced future medical expenses of Rs.5,000/-.
- iv) The BMTC shall deposit the enhanced compensation with interest before the Tribunal within a period of 8 weeks from this day.

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- v) The appellant-claimant is entitled to release of entire enhanced compensation amount.
- vi) The amount deposited is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

PK
List No.: 1 Sl No.: 35