



CNR: KAHC010422832025

NC: 2026:KHC:52351
MFA No. 4844 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4844 OF 2025

(MV-I)

BETWEEN:

THE MANAGING DIRECTOR
K. S. R .T. C
BANGALORE CENTRAL OFFICE
K. H. ROAD, SHANTHINAGAR
BANGALORE - 560 027.
(REPRESENTED BY ITS
CHIEF LAW OFFICER)

...APPELLANT

(BY SRI SAMARTH PRAKASH, ADVOCATE)

AND:

SRI RAFUS RASQUINHA
S/O L H RASQUINHA
AGED ABOUT 58 YEARS
RESIDING AT SULAGALALE, NORWAY BELUR
HASSAN - 573 127.
ALSO AT: FLAT No. 105
RUKMINI GRACES
RENAISSANCE, H .V. V. VALLEY
JALAHALLI, BANGALORE -15

...RESPONDENT

(BY SMT. SUSHMITHA G, ADVOCATE FOR
SRI GOPAL KRISHNA N, ADVOCATE)





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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:28.02.2025 PASSED IN MVC No.380/2024 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), AWARDED COMPENSATION OF Rs.5,90,038/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the Karnataka State Road Transport Corporation (for short `Corporation) challenging the judgment and award dated 28.02.2025 passed in MVC No. 380/2024 by the IX Additional Small Causes Judge and Member, MACT-7, Bengaluru (SCCH-7).

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing for appellant – Corporation and learned counsel appearing for respondent – claimant it is taken up for disposal.

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3. Claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 19.08.2023 due to the rash and negligent driving by the driver of Corporation bus bearing registration No. KA-09-F-5353. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of future income due to disability	Rs.1,97,640.00
2	Pain and suffering, mental agony	Rs.1,00,000.00
3	Special diet and conveyance	Rs.15,000.00
4	Loss of amenities	Rs.1,00,000.00
5	Loss of income during laid up period	Rs.91,500.00
6	Actual medical expenses	Rs.85,898.00
	Total	Rs.5,90,038.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from the date of petition till the date of realization and directed appellant - Corporation to deposit the said award amount with interest. Appellant -

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Corporation challenging the quantum of compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – Corporation and learned counsel for respondent – claimant.

6. Learned counsel for appellant – Corporation would contend that claimant had sustained right leg degloving injury to his right leg and there is no fracture. Considering the same, disability assessed by the Doctor is on higher side. Claimant was admitted in the hospital for 5 days and considering the same, compensation awarded by the Tribunal towards attendant, conveyance, special diet etc., is on higher side. Compensation awarded by the Tribunal towards loss of income during laid up period is also on higher side. Compensation awarded by the Tribunal towards pain and suffering and loss of amenities in a sum of Rs.1,00,000/- each is also on higher side. With this, he prayed to allow the appeal.

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7. Learned counsel appearing for respondent – claimant would contend that claimant had sustained degloving injury to his right leg. Considering the age of the claimant, i.e., 58 years and as there was muscle loss, the Tribunal has rightly taken the disability at 12% based on the evidence of the Doctor. Compensation awarded by the Tribunal under all heads is just and proper. With this, she prayed to dismiss the appeal.

8. Having heard learned counsel for the parties, the Court has perused the judgment, award and trial Court records.

9. Evidence of the Doctor – P.W.3 clearly indicate that the claimant had sustained right leg degloving injury. Claimant had taken treatment for right leg wound debridement and gastrocnemius and tibialis anterior muscle flap and he was admitted in the hospital for 5 days. P.W.3 – Doctor has examined the claimant and assessed disability to the left lower limb at 36% and to the whole body at 12%. Considering the age of the claimant



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and the injuries sustained the Doctor has rightly assessed the disability to the whole body at 12% and the Tribunal has rightly taken the disability at 12%.

10. Considering the injuries noted supra, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,00,000/- is on higher side and he is entitled to a sum of Rs.50,000/- towards pain and suffering. Further, compensation awarded by the Tribunal towards loss of amenities in a sum of Rs.1,00,000/- is on higher side and he is entitled to a sum of Rs.40,000/- towards loss of amenities.

11. As claimant was admitted in the hospital for 5 days, he is entitled to a sum of Rs.5,000/- (Rs.1,000 X 5 days) towards attendant, conveyance, special diet etc., as against Rs.15,000/- awarded by the Tribunal.

12. The Tribunal, considering the age of the claimant and injury sustained has rightly awarded loss of income during laid up period for a period of six months.

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13. The Tribunal has rightly awarded medical expenses in a sum of Rs.85,898/- and loss of future income in a sum of Rs.1,97,640/-.

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

1	Pain and suffering	Rs.50,000.00
2	Loss of amenities	Rs.40,000.00
3	Attendant, conveyance, diet food etc.,	Rs.5,000.00
4	Loss of income during laid up period	Rs.91,500.00
5	Medical expenses	Rs.85,898.00
6	Loss of future income due to disability	Rs.1,97,640.00
	Total	Rs.4,70,038.00

15. Considering the above aspects claimant is entitled to total compensation of Rs.4,70,038/- as against Rs.5,90,038/- awarded by the Tribunal. Consequently, claimant is entitled to total compensation of Rs.4,70,038/- . Appellant - Corporation is liable to pay the compensation with interest.

16. In view of the above, the following;

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ORDER

- a) Appeal is allowed in part.
- b) Claimant is entitled to total compensation of Rs.4,70,038/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant - Corporation shall deposit the compensation amount with interest at the rate of 6% p.a., including the amount already deposited, before the Tribunal within six weeks from this day.
- d) Claimant is entitled to release of entire compensation awarded.

Amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
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