



CNR: KAHC010426332025

NC: 2026:KHC:42630
MFA No. 4891 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4891 OF 2025

(MV-I)

BETWEEN:

THE DIVISIONAL CONTROLLER
KARNATAKA STATE ROAD TRANSPORT
CORPORATION (KSRTC), MYSURU DIVISION
BANNIMANTAP, MYSURU-570 015.

(OWNER AND INSURED OF THE
KSRTC BUS BEARING REG. No. KA-09-F-5185)

NOW REPRESENTED BY IT'S
CHIEF LAW OFFICER
KSRTC, CENTRAL OFFICE
SHANTHINAGARA, K.H. ROAD
BENGALURU-560 027.

...APPELLANT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

G SIDDARAJU
S/O LATE GURUVABOVI
AGED ABOUT 39 YEARS
R/AT VADDARA PALYA VILLAGE
HAMPAPURA POST

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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H.D. KOTE TALUK
MYSURU DISTRICT-571 125.

...RESPONDENT

(BY SRI G SIDDARAJU, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:13.12.2024 PASSED IN MVC No.400/2023 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENT CLAIMS TRIBUNAL, MYSURU, AWARDED COMPENSATION OF Rs.5,23,800/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION OF ENTIRE AMOUNT.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by KSRTC¹ challenging the liability and quantum of compensation awarded in the judgment and award dated 13.12.2024 passed in MVC No.400/2023 by Judge Additional Court of Small Causes and MACT., Mysuru.

2. In spite of service of notice the respondent remained absent and unrepresented.

¹ For short 'corporation'



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3. The respondent made a claim petition praying to award the compensation for the injuries sustained by him in a road traffic accident occurred on 21.02.2023 contending that the accident occurred due to the rash and negligent driving of the driver of the KSRTC bus bearing registration No.KA-09/F-5185. The Tribunal after recording evidence and appreciating evidence on record has assessed the compensation and awarded the compensation under various heads as under:

SL. No.	Heads	Amount of Rs.
1.	Loss of earning/future earning on account of disability	Rs.2,88,000/-
2.	Loss of Earnings during treatment (laid up period)	Rs.32,000/-
3.	Damages for pain, suffering and Trauma as a consequence of the injuries	Rs.1,00,000/-
4.	Loss of Amenities	Rs.50,000/-
5.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs.35,000/-
6.	Expenses relating to Treatment Hospitalization and	Rs.77,000/-



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	Medication	
	Total	Rs.5,82,000/-

4. The Tribunal has held that the claimant has also contributed to the accident to the extent of 10% and after deducting the 10% i.e., 58,200/- awarded total compensation of Rs.5,23,800/- with interest at the rate of 6% per annum from the date of petition till realisation and directed the appellant –corporation to deposit the award amount with interest. The corporation has challenged the said contributory negligence and also quantum of compensation awarded in the present appeal.

5. Heard learned counsel for the appellant.

6. Learned counsel for the appellant would contend that the driver of KSRTC bus was driving his bus on his proper side and at that time the rider of the motorcycle i.e., claimant came on his wrong side and dashed against the bus and as a result, the bus took on extreme left side and it had dashed to pedestrian. Sketch



-Ex.R1 itself indicates that the accident took place on the left side of the road on which the bus was proceeding. Even though the Tribunal has considered the said aspect but erred in holding that the claimant's negligence is only to the extent of 10%. Considering the said aspect, the negligence on the part of the claimant is more than 10%.

7. The claimant has sustained 04 injuries. P.W.2 has stated that the claimant has sustained disability of 10% to right upper limb and 22% to the right lower limb and the Tribunal has taken functional disability of 10%. The compensation awarded for pain and suffering is on higher side. With these, he prays to allow the appeal.

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

9. The accident occurred on 21.01.2023 at about 07.00 p.m. Ex.R1 is the sketch of the spot of the accident. The bus was proceeding from H.D.Kote to Mysuru. The claimant -injured was proceeding from Mysore to H.D. Kote. Ex.R1 -sketch of the spot of the accident is shown



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on the left side of the road on which the bus was moving and it is on extreme right side of the road on which the claimant was proceeding on his bike. The bus was proceeding on its proper side. Considering the said aspect, the Tribunal has rightly held that the claimant has also contributed to negligence in the accident. The Tribunal has assessed the negligence on the part of the claimant at 10%. Considering the sketch of the spot of the accident, there is more contributory negligence on the part of the claimant and claimant's contributory negligence is assessed at 50%.

10. The claimant has sustained the following injuries as per Ex.P5 –wound certificate and Exhibit P7 – discharge summery.

- "a) Right hand swollen (dorsum of the hand) 3x2cm,*
- b) Right knee joint swollen, cut wound over the patella (3cm) bleeding,*
- c) Swelling over the left cheek(muscles region),*
- d) Communited fracture of right patella, with loose intra-articular osteochondral fragments, with fracture of right 5th metacarpal neck."*



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Considering the said injuries, the compensation awarded for pain and suffering and loss of amenities are just and proper. The Tribunal considering the evidence of P.W.2 -doctor, has rightly taken the functional disability at 10%, rightly applied multiplier 15 and taken notional income at Rs.16,000/-. The compensation awarded for loss of income during laid up period for two months in a sum of Rs.32,000/-, attendant and conveyance charges in a sum of Rs.35,000/- and medical expenses in a sum of Rs.77,000/- are just and proper. The Tribunal has assessed the total compensation amount of Rs.5,82,000/-. As the claimant has contributed to the accident and his negligence is assessed at 50%., he is entitled to 50% of total compensation of Rs.5,82,000/- i.e., Rs.2,91,000/- with interest at the rate of 6% per annum from the date of petition till realization. The appellant -corporation is liable to pay the said compensation with interest.

11. In view of the above, the following



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ORDER

- i) The appeal is ***allowed in part.***
- ii) The contributory negligence on the part of the claimant is assessed at 50%.
- iii) The claimant is entitled to total compensation of Rs.2,91,000/- (Rs.5,82,000/- x 50%) with interest at the rate of 6% per annum from the date of petition till realisation.
- iv) The appellant -corporation shall deposit the entire compensation amount with interest before the Tribunal within a period of 06 weeks from this day including the amount already deposited.
- v) Registry is directed to transmit the amount in deposit to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 3
Ct.sm