



CNR: KAHC010429172021

NC: 2026:KHC:42946
MFA No. 6035 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6035 OF 2021(MV-I)

BETWEEN:

SRI VENKATESH T
S/O THIMMAIAH,
AGED 42 YEARS,
R/AT NO.272,
KAGALIPURA B BLOCK,
KANAKAPURA MAIN ROAD,
KAGALIPURA
BENGALURU-82

...APPELLANT

(BY SRI. JAGADEESH H.T, ADVOCATE)

AND:

THE MANAGER
B.M.T.C.
SHANTHINAGAR,
DOBULE ROAD,
BANGALORE-01

...RESPONDENT

(BY SRI. D VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.30.07.2020 PASSED IN MVC NO.4081/2018 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, MEMBER, PRL. MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant, being dissatisfied with the compensation of Rs.7,76,500/- awarded by the Tribunal, vide judgment and award dated 30.07.2020 in MVC No.4081/2018, is in appeal.
2. The fact that the accident occurred is not in dispute.
3. The Tribunal, on assessment of evidence, has awarded the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Pain and sufferings	60,000
2.	Loss of future income	3,10,500
3.	Medical expenses	2,80,000
4.	Future medical expenses	20,000
5.	Loss of income during the laid up period	46,000
6.	Conveyance, food, nourishment, attendant charges	35,000
7.	Loss of amenities in life	25,000
	Total	7,76,5000



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4. The Tribunal, on analysis of medical evidence, has concluded that the claimant has suffered permanent disability to the extent of 15% to the whole body.

5. I have perused the evidence of the Doctor - PW.3 and the wound certificate. The same depicts that the claimant has suffered following injuries:

- i. Abrasion over right elbow measuring 4cm x 2cm.
- ii. Abrasion over front of middle third of right abdomen measuring 6cm x 5cm.
- iii. Abrasion over front of middle third of right of right leg measuring 4cm x 2cm.
- iv. Abrasion over right ankle measuring 3cm x 1.5cm .
- v. Abrasion over dorsum of right foot measuring 5cm x 4cm.
- vi. Swelling, tenderness and crepitus over distal third of right thigh.
- vii. Swelling and tenderness over right knee.
- viii. Swelling, tenderness over right foot.



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6. Since the Doctor has assessed the disability to the whole body at 28.3% and having regard to the injuries suffered by the claimant, I deem it would be just and appropriate to assess the disability at **19%**.

7. The Tribunal has determined the monthly income, notionally at Rs.11,500/-. Since there is no credible documentary evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2018, would be Rs.12,500/-.

8. As the claimant was aged 37 years, a multiplier of '15' would have to be applied. Consequently, the claimant would be entitled to a sum of **Rs.4,27,500/-** (Rs.12,500 x 12 x 15 x 19%) towards '*loss of future income*'.

9. The sum of **Rs.46,000/-** awarded towards '*loss during laid up period*', the sum of **Rs.60,000/-** awarded towards '*pain and suffering*', the sum of **Rs.35,000/-** awarded towards '*attendant charges, extra nutritious food and conveyance*'



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charges', and the sum of **Rs.20,000/-** awarded towards '*future medical expenses*' by the Tribunal, being just and proper, stand affirmed.

10. Having regard to the lasting effects of the injuries on the claimant, the claimant would be entitled to a sum of **Rs.40,000/-** towards '*loss of amenities*', as against the sum of Rs.25,000/- awarded by the Tribunal.

11. The sum of **Rs.2,80,000/-** awarded by the Tribunal towards '*medical expenses*', being based on documentary evidence, is affirmed.

12. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Pain and sufferings	60,000	60,000
2.	Medical expenses	2,80,000	2,80,000
3.	Conveyance, food,	35,000	35,000



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	nourishment, attendant charges		
4.	Loss of income during the laid up period	46,000	46,000
5.	Loss of future income	3,10,500	4,27,500
6.	Future medical expenses	20,000	20,000
7.	Loss of amenities in life	25,000	40,000
	Total	7,76,500	9,08,500

13. Thus, the claimant is held entitled to the total compensation of **Rs.9,08,500/-** as against Rs.7,76,500/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

14. Consequently, the BMTC is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

Accordingly, the appeal is ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 40