



CNR: KAHC010431852025

NC: 2026:KHC:47401
MFA No. 5043 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5043 OF 2025

(MV-I)

BETWEEN:

YASHWANTHA. K. S.
S/O SHEKARA
AGED ABOUT 28 YEARS
R/O, KANDALI VILLAGE
KASABA HOBLI, HASSAN TALUK
HASSAN DISTRICT-573 201.

...APPELLANT

(BY SRI MADHU M T, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

THE MANAGER
D.C. K.S.R.T.C.,
DEPOT. MANAGER
MANGALORE DIVISION
KUNDAPURA DEPOT-576 201.

REP BY,
D.C. K.S.R.T.C.,
HASSAN.

...RESPONDENT

(BY SRI D VIJAYA KUMAR, ADVOCATE – V.C)



NC: 2026:KHC:47401
MFA No. 5043 of 2025

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:13.02.2024 PASSED IN MVC No.1122/2022 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, MACT, HASSAN, 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

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 13.02.2024 passed in MVC No.1122/2022 by the II Additional District and Sessions Judge and MACT, Hassan.

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/KSRTC.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a



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MFA No. 5043 of 2025

road traffic accident occurred on 14.02.2022 contending that the accident occurred due to rash and negligent driving of the driver of KSRTC bus bearing Regn.No.KA-19-F-3446. The Tribunal after recording the evidence of the parties, appreciating the evidence 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 medical expenses	3,85,000/-
03.	Loss of income during the period of treatment and rest	46,500/-
04.	Food, attendant and conveyance charges	12,000/-
05.	Loss of earning capacity due to permanent functional disability	6,33,000/-
06.	Loss of amenities of life and for future discomforts	25,000/-
07.	Towards purchase of prosthesis	1,00,000/-
	Total	13,01,500/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed the respondent/KSRTC 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/KSRTC.

6. Learned counsel for appellant would contend that claimant's right foot below knee has been amputated and the same has been mentioned in Ex.P13 – discharge summary. The occupation of the claimant is driver, painter and diary farming and due to amputation of right leg below knee, the claimant cannot do his avocation and therefore, the functional disability has to be taken at 100%. On that point he places reliance on the judgment of this Court rendered in the case of **Lakshmikanthaiah R vs. The TATA AIG General Insurance Co.Ltd (MFA No.7688/2023 DD 31.07.2026)**. He further submits that claimant requires prosthetic limb for every five years and he is aged 26 years and considering the life span as 70 years, claimant requires 9 prosthetic limbs and cost of each is Rs.2,00,000/- and therefore, he is entitled to Rs.18,00,000/- towards prosthetic limb. He further submits that the Tribunal has taken the notional income



rightly at Rs.15,500/- p.m. and applied multiplier '17'.
With this he prayed to allow the appeal.

7. Learned counsel for respondent/KSRTC would contend that PW.2 - Doctor is not a treated Doctor and considering his evidence, the Tribunal has rightly taken disability at 20%. The claimant has not placed on record any evidence with regard to what is the cost of prosthetic limb. The Tribunal has rightly awarded compensation towards purchase of prosthesis. He further submits that there is only amputation of feet of right leg. With this he prays for dismissal of the appeal.

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

9. The accident occurred on 14.02.2022 and as on the date of accident, the claimant was aged 26 years. PW.2 - Doctor who has examined the claimant has stated that the claimant has sustained the following injuries:



NC: 2026:KHC:47401
MFA No. 5043 of 2025

CNR: KAHC010431852025

- Right knee movements restricted and painful.
- Not able to squat.
- Not able to walk without support and prosthesis.
- X-ray taken and it shows below knee stump.

10. PW.2 – Doctor has further stated that the claimant is having permanent functional disability at 60% to the right lower limb. The Tribunal has taken disability at 20% which is 1/3rd of the disability to the right lower limb i.e. 60%. The Tribunal in para 29 of the judgment has observed that on the date of accident petitioner was aged about 26 years as shown in photostat copy of driving license, wherein his date of birth is shown as 17.01.1996. The said aspect indicates that the claimant was holding driving license. It is the case of the claimant that he is a driver, painter and doing diary farming. Ex.P13 – discharge summary issued by Janapriya Hospital indicate that the claimant was operated for severe crush injury of right leg with bony injury with neuro vascular injury with



NC: 2026:KHC:47401
MFA No. 5043 of 2025

vascular compromise with gangrenous foot with external fixator in situ. With the said diagnosis the claimant has been operated and his right leg below knee amputation was done on 16.02.2022. Ex.P12 - discharge summary of Sparsh hospital indicate that there is amputation of right foot due to road traffic accident and he has been discharged against medical advise. The said two documents indicate that the claimant has earlier taken treatment at Sparsh Hospital where amputation of right foot was done and subsequently, he has been operated in Janapriya Hospital where there is amputation of right leg below knee. Considering the documents and evidence of Doctor, there is amputation of right leg below knee of claimant. The avocation of the claimant is driver, painter and dairy farming. As there is amputation of right leg below knee the claimant cannot continue his avocation as driver but he can continue his avocation as painter and dairy farming with artificial limb/prosthesis. Even though the Doctor has stated that there is 60% disability to the



right lower limb, considering there is amputation of right leg below knee, the functional disability has to be taken at 90%. In the case relied upon by the learned counsel for the appellant, this Court has observed as under:

10. Evidence of the Doctor – P.W.3 and Ex.P.9 indicate that the claimant has undergone operation and plates are fixed. The Tribunal has taken the disability of the claimant at 50%. Avocation of the claimant is milk vending and agriculture. Decision on which reliance is placed by the learned counsel for appellant pertains to a driver whose right leg was amputated. Considering the same, the Hon'ble Apex Court has taken the disability at 100%. In the case on hand avocation of the claimant is milk vending and agriculture. Considering the same, claimant can continue with milk vending with prosthetic limb and therefore, disability cannot be taken at 100%. Functional disability is to be taken at 90%. Since the claimant is aged 44 years future prospects is to be taken at 25% and multiplier applicable is 14. The Tribunal has rightly taken the notional income at Rs.14,500/-. Therefore, loss of future income is calculated as under:

$$14500 + 3625 (25\%) = 18125$$

$$18125 \times 12 \times 14 \times 90\% = \text{Rs.}27,40,500/-$$



CNR: KAHC010431852025

11. Taking the functional disability at 90%, the compensation towards loss of future income is calculated as under:

$$\text{Rs.}15,500 + 40\% = 21,700 \times 12 \times 17 \times 90\% = 39,84,120/-$$

12. This Court in the case relied upon by the learned counsel for the appellant in **Lakshmikanthaiah** (supra) by referring to the decision of the Hon'ble Apex Court in the case of **Prahlad Sahi vs. Haryana Roadways and another (2026 INSC 396)** this Court has observed as under:

16. *P.W.3 – Doctor who has examined the claimant and assessed the disability has stated the cost of prosthetic limb as Rs.2,00,000/-. Since the claimant is aged 44 years and considering the life span as 70 years and that life of prosthetic limb as 5 years, claimant will need 5 prosthetic limbs. Therefore, he is entitled to a sum of Rs.10,00,000/- (2,00,000 x 5) towards prosthetic limb.*

17. *The Hon'ble Apex Court in the case of **Prahlad Sahi (supra)** has observed as under:*



CNR: KAHC010431852025

"31. The appellant was thirty-two years in 2007. Applying an assumed life span of seventy years as the maximum for which as a standard formula compensation for prosthetic limb is awarded and calculating the life of one prosthetic limb as five years, the appellant will need seven prosthetic limbs. Insofar as the price is concerned, the appellant has claimed the 2007 price for the first block with interest @ 9 per cent. Though he has claimed for eight limbs the correct proportion to award would be seven limbs, since the amputation happened on 17.07.2009.

32. We are inclined to award, like in [Md. Shabir](#) (supra), a consolidated amount towards the price. We are inclined to grant Rs.3,00,000/- per limb on a standard basis for seven limbs. In view of the fact that a consolidated amount is being paid, no interest from the date of the accident is awarded. Considering that the price has been arrived at by broadly applying the case [Md. Shabir](#) (supra), which we find reasonable, we are not inclined to proceed on the basis of the notification relied upon by the Insurance Company.

33. We are also inclined to award cost of maintenance of prosthetic limb at Rs.15,000/- annually. For a block of five years, it would work out to approximately Rs. 75,000/-. We award a consolidated sum of Rs.



NC: 2026:KHC:47401
MFA No. 5043 of 2025

CNR: KAHC010431852025

5,00,000/- till the assumed life span of seventy years."

13. Ex.P14 is the estimation issued by Kare Prosthetics and Orthotics, Bengaluru wherein the estimation of the prosthesis is shown as Rs.1,84,197/-. Considering the said document, the cost of prosthesis is taken at Rs.1,80,000/-. Since the claimant is aged 26 years and life span as 70 years and that life of prosthesis is 5 five years, claimant will need nine prosthesis limb during his life span. Therefore, he is entitled to a sum of Rs.16,20,000/- (Rs.1,80,000 x 9) towards prosthetic limb.

14. Considering the injuries sustained by the claimant, the compensation awarded towards pain and suffering, loss of amenities, conveyance and attendant charges, medical expenses, loss of income during laid up period are just and proper.

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



NC: 2026:KHC:47401
MFA No. 5043 of 2025

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01.	Pain and suffering	1,00,000/-
02.	Medical expenses	3,85,000/-
03.	Loss of income during laid up period	46,500/-
04.	Food, attendant and conveyance charges	12,000/-
05.	Loss of amenities	25,000/-
06.	Purchase of prosthesis	16,20,000/-
07.	Loss of future income	39,84,120/-
	Total	61,72,620/-

16. Considering the above aspects, the claimant is entitled to total compensation of Rs.61,72,620/- as against Rs.13,01,500/-/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.48,71,120/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 414 days in filing the appeal as per order dated 21.01.2026 passed on I.A.No.1/2025. The claimant is also not entitled to interest on compensation awarded towards prosthetic limb in a sum of Rs.16,20,000/-. Respondent/KSRTC is liable to pay the said enhanced compensation with interest.



17. 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.48,71,120/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent/KSRTC shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is not entitled to interest on the compensation awarded towards purchase of prosthetic limb in a sum of Rs.16,20,000/-.
- v) Appellant/claimant is not entitled for interest for the delay period of 414 days in filing the appeal.



NC: 2026:KHC:47401
MFA No. 5043 of 2025

CNR: KAHC010431852025

- vi) Appellant/claimant is entitled to release of 50% of enhanced compensation. Remaining 50% shall be kept in fixed deposit in Nationalised/Scheduled Bank for a period of 30 years and claimant is entitled to release of Rs.2,00,000/- every five years in the said fixed deposit and submit receipt for having purchased new prosthesis within two weeks of such release.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

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