



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 6096 OF 2014 (MV-I)

BETWEEN:

VENKATESH
S/O LATE ARMUGAM,
AGED ABOUT 41 YEARS,
OCC: COOLIE
R/O HOSAPETE,
DEVADANA VILLAGE,
CHIKMAGALUR TALUK AND DISTRICT 577101.

...APPELLANT

(BY SRI. VINOD GOWDA, ADVOCATE)

AND:

1. RAMAPPA KULLOOR
S/O LAKSHMAPPA KULLOOR,
AGED ABOUT 34 YEARS,
DRIVER OF KSRTC
R/O. SODI,
RONA TALUK,
GADAG DISTRICT 583201.
2. THE DIVISIONAL CONTROLLER KSRTC
CHIMAGALUR DIVISION,
CHIKMAGALUR 577101.

...RESPONDENTS

(BY SMT. RADHA B P, ADVOCATE FOR R2
NOTICE TO R1 IS DISPENSED WITH V/O DTD 21.01.2015)

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.06.2014 PASSED IN MVC NO.368/2012 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE, MACT, CHIKMAGALUR, 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 C.M. POONACHA

ORAL JUDGMENT

1. The present appeal is filed by the claimant being dissatisfied with the quantum of compensation awarded vide judgment and award dated 23.06.2014 passed in MVC No.368/2012 on the file of the I Additional District Judge, MACT, Chikmagalur¹. The Tribunal partly allowed the claim petition and awarded a total compensation of ₹1,24,000/- together with interest at 6% p.a.

2. The finding of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only

¹ hereinafter referred to as '**Tribunal**'



question that is to be adjudicated in the present appeal is the adequacy of the quantum of compensation.

3. Heard submissions of the learned counsel for the appellant - claimant and the learned counsel for the second respondent - corporation.

4. The claimant was aged 39 years as on the date of the accident i.e., as on 07.03.2012. He was stated to be a coolie. However, no documents have been produced to demonstrate his income. The Tribunal has not assessed his income. Hence, the notional income of the claimant having regard to the date of the accident is assessed as ₹7,000/- p.m.

5. The wound certificate (Ex.P7), discharge summaries (Exs.P40 to 42), summary sheet (Ex.P44) and other material on record indicate that the claimant sustained crush injury over the right side of the forehead extending to the right orbit and right maxilla; right frontal contusion and right eye ball injury. The claimant was treated at Araluguppe Mallegowda District Hospital, Chikmagalur, as an inpatient from 07.03.2012 and sent to NIMHANS for higher/better treatment. The medical



records indicate that he was treated as an inpatient at NIMHANS from 08.03.2012 to 16.3.2012 and that he underwent surgery on 08.03.2012. The photographs (Ex.P42) indicates the suture marks on the head of the claimant.

6. It is clear that the claimant has sustained grievous head injuries. However, no doctor has been examined. The discharge summary issued by NIMHANS discloses that the claimant underwent a fronto temporal craniotomy medical procedure which is a neurosurgical procedure (surgery). Since the claimant has not examined a doctor, the Tribunal has awarded compensation on the lower side. However, having regard to the medical evidence that is available on record it is clear that the claimant has sustained grievous head injury and he has taken treatment for a long time.

7. Keeping in mind the aforementioned, it is just and proper to re-assess the compensation awarded towards pain and agony in a sum of ₹1,00,000/- as against ₹50,000/- awarded by the Tribunal.



8. The Tribunal has noticed that the claimant has produced medical bills of ₹22,000/-. In addition to the same, the Tribunal has awarded ₹10,000/- towards special diet, ₹5,000/- towards conveyance and ₹1,000/- towards attendant charges. Having regard to the nature of injuries sustained and the period of treatment, it is just and proper to award a total sum of ₹50,000/- towards medical and other incidental expenses.

9. Having regard to the nature of injuries sustained and the period of treatment, the laid-up period is taken as 6 months and accordingly, a sum of (₹7,000/-x6) ₹42,000/- is awarded towards the same as against ₹16,000/- awarded by the Tribunal.

10. Although, no doctor was examined, the Tribunal has awarded a sum of ₹20,000/- towards loss of amenities. However, it is just and proper that the same be enhanced as ₹30,000/-.

11. Accordingly, the compensation is re-assessed as follows:



Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Pain and agony	50000.00	100000.00
2.	Medical expenses, special diet and conveyance	38000.00	50000.00
3.	Loss of amenities	20000.00	30000.00
4.	Loss of income during laid up period	16000.00	42000.00
	Total	124000.00	222000.00

12. Hence, the claimant is entitled for enhanced compensation of (₹2,22,000/- – ₹1,24,000/-) ₹98,000/-.

13. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award dated 23.06.2014 passed in MVC No.368/2012 on the file of the I Additional District Judge, MACT, Chikmagalur, is modified to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The claimant is entitled to enhanced compensation of ₹98,000/- with interest at 6% per annum from



the date of petition till its realization, in addition to the compensation awarded by the Tribunal;

- iv) Respondent No.2 - Corporation shall deposit the said compensation together with accrued interest within a period of six weeks;
- v) After deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;
- vi) The Registry to draw the modified award accordingly;
- vii) Records be transmitted to the Tribunal forthwith;
- viii) No costs.

Sd/-
(C.M. POONACHA)
JUDGE

BS/ND
List No.: 1 Sl No.: 17