



CNR: KAHC010020712019

NC: 2026:KHC:39849
MFA No. 834 of 2019
C/W MFA No. 9088 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 834 OF 2019 (MV-I)
C/W

MISCELLANEOUS FIRST APPEAL NO.9088 OF 2018(MV-I)

IN MFA No. 834/2019:

BETWEEN:

RAYAPPA,
S/O. HANUMANTHAPPA,
AGED ABOUT 47 YEARS,
R/O. SHANTHI NAGARA,
DAVANAGERE DISTRICT - 577006.
(THE NAME OF THE APPELLANT
WAS TYPED AS RANGAPPA
INSTEAD OF RAYAPPA,
THE SAME HAS BEEN RECTIFIED
AND IT IS ENDORSED BY
LEARNED HONBLE P.O OF MACT)

...APPELLANT

(BY MS. RUKHMINI S., ADVOCATE FOR
SRI. HIEMATHAD MAHESHIAH RUDRAYYA, ADVOCATE)

AND:

1. SRI HALESH K.,
S/O. KOTRAPPA K.,
AGED ABOUT 38 YEARS,
BADGE NO. 4114
DRIVER OF KSRTC BUS
BEARING REG NO. KA-09 F-4745,
DAVANAGERE DEPOT,
R/O. SYAMENAHALLI VILLAGE,
BADA POST,

Digitally signed
by AASEEFA
PARVEEN

Location:
HIGH COURT
OF
KARNATAKA



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DAVANAGERE DISTRICT - 577 006.

2. INTERNAL SECURITY FUND
KSRTC SARIGE BHAVANA,
SHANTHI NAGAR,
BENGALURU.
3. THE DIVISIONAL CONTROLLER
KSRTC, PB ROAD,
DAVANAGERE.

...RESPONDENTS

(BY SRI. K. NAGARAJA, ADVOCATE FOR R2 AND R3;
R1 SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28/07/2018, PASSED IN MVC
NO.408/2017, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL
JUDGE & MEMBER, MACT-IV, DAVANAGERE, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 9088/2018:

BETWEEN:

1. THE INTERNAL SECURITY FUND,
K.S.R.T.C.,
SARIGE BHAVANA
SHANTHINAGARA
BANGALORE.
2. THE DIVISIONAL CONTROLLER
K.S.R.T.C.,
P.B.ROAD, DAVANAGERE
BOTH APPELLANTS REPRESENTED
NOW THROUGH CHIEF LAW OFFICER,
KSRTC, BANGALORE.

...APPELLANTS

(BY SRI. NAGARAJA K.,ADVOCATE)



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AND:

1. SRI RANGAPPA
S/O HANUMANTHAPPA,
AGED ABOUT 46 YEARS,
SHANTHINAGARA,
DAVANAGERE- 577 001.

2. SRI HALESH K.,
S/O KOTRAPPA K.,
AGED ABOUT 37 YEARS,
BADGE NO. 4114
DRIVER OF KSRTC BUS
NO. KA-09-F-4745
DAVANAGERE DEPOT,

R/O DYAMENAHALLI VILLAGE,
BADAPOST,
DAVANAGERE TALUK- 577001

...RESPONDENTS

(BY MS. RUKMINI S., ADVOCATE FOR

SRI. M.R. HIEMATHAD, ADVOCATE FOR R1;

NOTICE TO R2 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.07.2018 PASSED IN MVC
NO.408/2017 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL
JUDGE & MEMBER, MACT-4, DAVANGERE, AWARDED
COMPENSATION OF RS.3,41,600/- WITH INTEREST AT 8%
P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

THESE APPEALS ARE COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL JUDGMENT

Heard Sri.Nagaraja.K who appears through video conference and represents the appellants in MFA No.9088/2018, and respondent Nos.2 & 3 in MFA No.834/2019. Also heard Ms.Rukmini who appears before this Court physically and represents Sri.M.R.Hiremathad learned counsel on record for the appellant in MFA No.834/2019, and respondent No.1 in MFA No.9088/2018.

2. Challenge in these two appeals is the award that is passed by the Motor Accident Claims Tribunal-IV, Davanagere in MVC No.408/2017 dated 28.07.2018. While appellants in MFA No.9088/2018 (hereinafter referred to as 'KSRTC' for brevity) filed appeal disputing their liability to pay compensation, the appellant in MFA No.834/2019 (hereinafter be referred to as 'claimant' for brevity) filed said appeal projecting that compensation granted by the Tribunal is inadequate and grossly low.



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3. The manner of happening of accident as per the version of the claimant is that on 19.01.2017 at about 11.30 a.m. while he was crossing old P.B. Road from Hotel Pooja International towards Hotel Raj Bhavan, the driver of KSRTC drove the bus bearing registration No.KA-09/F-4745 in a rash and negligent manner and dashed against him, due to which, he fell down and sustained injuries.

4. Holding that the accident occurred due to the negligence of the driver of KSRTC, Tribunal directed KSRTC to pay claimant a sum of Rs.3,41,600/- together with interest at the rate of 8% per annum from the date of filing of the petition till realisation.

5. Submitting that the accident has not occurred due to the negligence of the driver of KSRTC, but it occurred due to the negligence of the claimant, learned counsel for KSRTC contends that the claimant was crossing the road after jumping the road divider and he himself dashed to the left portion of the bus. The contents



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of police record disclosed the said fact. Had the claimant followed traffic rules, the accident would have been avoided. Without considering said fact, Tribunal held that negligence lies on part of the driver of KSRTC and therefore, KSRTC is liable to pay compensation. Learned counsel placed much reliance upon the contents of Ex.P5, spot mahazar.

6. Per contra, learned counsel who represents the claimant submits that the bus which is involved in the accident was driven by the driver of KSRTC in a rash and negligent manner and thereby the bus hit the claimant, due to which claimant sustained injuries and those injuries resulted in permanent physical disability.

7. Admittedly, after due investigation, police laid charge sheet against the driver of KSRTC only. In none of the documents produced by the claimant there is a mention that the claimant was negligent. No doubt, claimant was not expected to cross the road where such



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an act is not permitted under road rules and regulations. However, that does not mean that the drivers of vehicles can drive the vehicles without observing the road and the presence of any obstruction for free flow. That apart, even to know the exact place of occurrence of accident, the position of the offending vehicle and the claimant, the parties of the proceedings have not chosen to produce the rough sketch drawn. Learned counsel who represents KSRTC states that it is for the claimant to produce the copy of the rough sketch drawn by the Investigating Agency. However, as specific plea regarding contributory negligence on part of the claimant was taken by KSRTC, it is for KSRTC to establish that fact. In the light of the documents produced by the claimant, which reveals that the driver of KSRTC was at fault, this Court is not inclined to disturb the findings given by the Tribunal, holding that the accident occurred due to the negligence of the driver of KSRTC only.



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8. Now coming to quantum, learned counsel who represents the claimant made her submission that on all material heads the compensation granted is grossly low. This Court on going through the contents of the impugned order and the material available on record, is of the view that interference is required only so far as grant of compensation under the head pain and suffering and loss of future earnings are concerned.

9. The submission made by learned counsel for the claimant is that the disability in respect of whole body as spoken by PW2 is 94%, but the Tribunal took the disability in respect of whole body as 15% only and hence taking the disability in respect of whole body as 94%, required amount may be awarded under the head loss of future earnings.

10. Vehemently opposing the submission thus made, learned counsel who represents KSRTC states that the disability assessed by PW2 is erroneous and perceiving



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the said fact and basing on the injuries sustained, the Tribunal rightly assessed the disability in respect of whole body as 15%. Record discloses justification in the submission made by learned counsel who represents KSRTC. The assessment of disability by the Tribunal and findings given in that regard are proper and therefore there are no grounds to disturb the findings given regarding the assessment of percentage of disability.

11. So far as income is concerned, the submission that is made by learned counsel for the claimant is that for the year 2017 the Karnataka State Legal Services Authority is taking the notional income as ₹11,000/- per month for settlement of claims and therefore said figure may be adopted. Same is not disputed by learned counsel who represents KSRTC. The accident occurred in the year 2017. Therefore, as sought for by learned counsel for the claimant the notional income of the claimant is taken as ₹11,000/- per month. Thus, on taking the notional income as ₹11,000/- per month and without disturbing other



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parameters i.e. application of multiplier '14' and disability in respect of whole body as 15%, the compensation which the claimant is entitled to receive towards loss of future earnings comes to ₹2,77,200/- ($₹11,000/- \times 12 \times 14 \times 15\%$).

12. The Tribunal held that claimant is entitled to a sum of ₹2,01,600 only towards loss of future earnings. Thus, the additional sum which the claimant is entitled to receive under the head loss of future earnings is ₹75,600/- ($₹2,77,200/-$ minus $₹2,01,600/-$).

13. Claimant sustained bilateral distal radius fracture and right tibial plateau fracture with right fibular head fracture. Said fact is not in dispute. Having considered the nature of injuries sustained and also the treatment taken, this Court is of the view that claimant is entitled to a sum of ₹50,000/- towards pain and suffering. But the Tribunal awarded a sum of ₹30,000/- only under said head. Thus, additional sum which claimant is entitled to receive towards pain and suffering is ₹20,000/-



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(₹50,000/- minus ₹30,000/-). Thus, foregoing discussion makes it clear that in addition to the sum that is awarded by the Tribunal, the claimant is entitled to a sum of ₹95,600/- (₹75,600/- + ₹20,000/-).

14. During the course of submission learned counsel who represents KSRTC contended that the interest awarded on the granted sum by the Tribunal i.e. 8% per annum is excessive. Having considered the submission thus made and with an intention to maintain uniformity in grant of interest in the motor accidents claims, this Court considers desirable to direct KSRTC to pay the claimant the compensation granted with interest at the rate of 6% per annum from the date of petition till the date of deposit.

15. Hence, both the appeals are disposed of with the following

ORDER

- i) Both the appeals are allowed in part.



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- ii) Compensation granted by the Motor Accident Claims Tribunal-IV, Davanagere, through orders in MVC No.408/2017 dated 28.07.2018 is enhanced by ₹95,600/-.
- iii) The entire awarded sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- iv) KSRTC is directed to deposit entire sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- v) On such deposit, claimant is permitted to withdraw the entire amount.
- vi) Amount if any in deposit be transmitted to the concerned Tribunal forthwith.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS,AP
CT:TSM
List No.: 1 Sl No.: 17