



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4765 OF 2015 (MV-I)

BETWEEN:

1. THE CHAIRMAN
INTERNAL SECURITY FUND,
KSRTC, K.H. ROAD,
SARIGE BHAVANA
BANGALORE.
2. THE MANAGING DIRECTOR
K.S.R.T.C. , K.H. ROAD,
SARIGE BHAVAN
BANGALORE.
REP. BY THE MANAGER, KSRTC,
CHITRADURGA.
3. THE DIRECTOR
K.S.R.T.C.
KOLAR DIVISION OFFICE,
KOLAR
REP. THROUGH CHIEF
LAW OFFICER, KSRTC,
CENTRAL OFFICES, SHANTHINAGAR,
BANGALORE.

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by
PADMASHREE
SHEKHAR
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Location: High
Court of
Karnataka

...APPELLANTS

(BY SRI. G LAKSHMEESH RAO., ADVOCATE)

AND:

MAHESH
S/O SANNARANGAPPA
AGED ABOUT 14 YEARS
MINOR, REP. BY HIS FATHER



AS NATURAL GUARDIAN
SRI.SANNARANGAPPA S/O KENCHAPPA
AGED ABOUT 44 YEARS, COOLIE WORK
R/O YARABALLI VILLAGE,
HIRIYUR TALUK
CHITRADURGA DISTRICT
NOW AT DODDAPET,
CHITRADURGA.

...RESPONDENT

(BY SRI. R SHASHIDHARA, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 2.3.2015 PASSED IN MVC NO.739/2013 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE, MACT-4, CHITRADURGA, AWARDED A COMPENSATION OF RS.5,00,000/- WITH INTEREST @ 7% P.A FROM THE DATE OF PETITION TILL DATE OF DEPOSIT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 11.06.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV JUDGMENT

This appeal is filed against the judgment and award dated 02.03.2015 passed by the I Additional Senior Civil Judge and IV MACT, Chitradurga, in MVC No.739 of 2013.

2. The injured claimant Mahesha, son of Sannarangappa, aged 12 years, met with an accident on 16.07.2013, and filed a claim petition claiming compensation of Rs.7,50,000/-. The Tribunal, considering the entire evidence on record, granted the



compensation of Rs.5,00,000/- with interest at the rate of 7% per annum from the date of petition till deposit.

3. Aggrieved by the said order, this appeal is preferred by the Chairman, Internal Security Fund, KSRTC, and mainly contented that claimant was a minor boy studying in a school and no functional disability can be assessed at the tender age as the fractured bones will be united. Movement and muscle strength will be normal when he grows. PW2-doctor admitted the same in the cross-examination and he also issued Exhibit P8 disability certificate, in which, there is no mention regarding the functional disability. It is contended that the claimant sustained only one fracture and was inpatient for 16 days. Tribunal granted Rs.1,00,000/- towards pain and suffering, which is on higher side. He was treated in the Government Hospital, Chitradurga for free of cost and produced medical bills worth Rs.2,125/- towards medicines, but the tribunal granted Rs.50,000/- towards medical and incidental charges, which is excessive. It is also contended that PW1 in the cross-examination stated that the removal of the rod requires Rs.20,000/-. PW2 in his evidence has not specifically stated as



to whether the claimant requires future medical treatment. But the Tribunal granted Rs.1,00,000/- towards future medical expenses and the amount granted for loss of amenities is on higher side. The rate of interest granted at the rate of 7% per annum is excessive. The claimant has not filed any appeal. Therefore, requested to reduce the compensation.

4. Learned counsel for the appellant has relied upon the citation of Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari and Another** in Civil Appeal No.10278 of 2025 (SLP (C) No.14444 of 2025). Learned counsel for the respondent has relied upon the judgment in case of **Mallikarjun Vs. National Insurance Company Ltd.** reported in **(2014) 14 SCC 396**.

5. Heard the arguments of learned counsel for both sides.

6. In the present case, the respondent-claimant was a minor child aged 12 years at the time of the accident. He was inpatient for 16 days. The manner of accident shows that while Mahesha and Sannarangappa was going on bicycle from School



to house near Yaraballi village, SH-19 Hiriyur-Challakere road, the driver of KSRTC bus bearing Reg.No.KA-07-F-1557 came in rash and negligent manner without following traffic rules and regulations and hit the petitioner's bicycle. As a result, he fell down and sustained injuries. Exhibit P5 is the wound certificate. Exhibit P7 is the discharge card. Disability certificate is marked as Exhibit P8 which is issued by District Hospital, Chitradurga. The claimant sustained injuries and he underwent surgery ORIF with intramedullary nailing under spinal anesthesia on 22.07.2013 and he spent Rs.2,125/- towards medicines as per Exhibits P9(1) to (8). The claimant was complaining persistent pain on playing, sitting cross leg and to squat or climbing stair case. Doctor examined him and stated that there was mild ROM of right hip and knee with superficial skin complication. Right hip showed loss of motion 16% and muscle strength of 8%. The doctor issued Exhibit P8-disability certificate and assessed disability as 28% to the particular part of the body and stated that he cannot play and participate in the sports as earlier. He lost motion and muscle strength. He cannot play like other boys and he requires further treatment. The doctor also stated that, upto 21 years, there is growth and present disability will not be



there in future. The claim petition was filed by father of the minor child-claimant and he stated that his son has to suffer up to 21 years with the disability of his left knee. The Tribunal, considering the said aspects, granted compensation under all heads to an amount of Rs.5,00,000/-.

7. Learned counsel for the appellant-KSRTC stated that as per Hitesh case (Supra), minimum wages is to be taken and the minimum wages for the year 2013 is Rs.255/- per day i.e. Rs.7,650/- per month and he stated that the claimant is not entitled for future prospects. Whereas, the learned counsel for respondent stated that the claimant is entitled for future prospects. The doctor gave the limb disability as 28%. One third of the same comes to 9.33%. Therefore, the Tribunal has taken 10% disability towards the whole body and this Court finds no reason to interfere with the disability assessed by the Tribunal. As the claimant was aged 12 years, the multiplier has been taken as 18 and 40% is to be taken as future prospects. Thus, the loss of future earning capacity comes to Rs.2,31,336/- (7,650 +40% x 12 x 18 x 10%).



8. The claimant sustained one fracture and was admitted in the hospital for 16 days. Therefore, this Court finds it reasonable to grant Rs.40,000/- towards pain and suffering, Rs.25,000/- for loss of amenities and Rs.30,000/- for transportation, extra nourishment and attendant charges. The claimant also incurred Rs.2,125/- towards medical expenses. Thus, in all, the claimant is entitled for the reduced compensation of Rs.3,28,461/- as against Rs.5,00,000/- awarded by the Tribunal.

9. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of future income	2,31,336/-
2. Medical expenses	2,125/-
3. Pain and Suffering	40,000/-
4. Loss of amenities	25,000/-
5. Transportation, extra nourishment and attendant charges	30,000/-
Total	3,28,461/-



10. In the result, the following order is passed:

(i) Appeal is allowed.

(ii) The claimant is entitled for the total compensation of Rs.3,28,461/-.

(iii) The appellant KSRTC has already deposited 50% of compensation and therefore, they are directed to deposit the balance amount with interest at 6% per annum within one month from the date of this order.

(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with the interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 77