



CNR: KAHC010589042024

NC: 2026:KHC:38090
MFA No. 6788 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6788 OF 2024

(MV-I)

BETWEEN:

THE MANAGING DIRECTOR
KARNATAKA STATE ROAD TRANSPORT
CORPORATION (K .S .R .T. C)
CENTRAL OFFICE, K .H. ROAD
SHANTHINGARAR
BENGALURU-560 027.

REPRESENTED BY IT'S
CHIEF LAW OFFICER

...APPELLANT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

AND:

SRI NINGAIAH
S/O MOTAIAH
AGED ABOUT 57 YEARS
RESIDING AT HANGARAHALLI
CHOWDANAKUPPE POST
HULIYURDURGA HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT-572 123.

...RESPONDENT

(BY SMT. SUSHMITHA G, ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:27.03.2024 PASSED IN MVC No.1274/2022 ON THE FILE OF THE XX ADDITIONAL SMALL CAUSES JUDGE ACMM, BENGALURU SCCH-22, AWARDING COMPENSATION OF Rs.4,46,749 /- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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 KSRTC (corporation) challenging the quantum of compensation awarded in the judgment and award dated 27.03.2024 passed in MVC No.1274/2022 by XX Additional Small Causes Judge and MACT, Bengalore (SCCH-22).

2. Even though the appeal is listed today for admission, it is taken up for disposal with consent of learned counsel for the appellant and learned counsel for respondent.

3. Respondent -claimant made a claim petition praying to award compensation for injuries sustained by



him in a road traffic accident occurred on 10.10.2019 contending that accident occurred due to the rash and negligent driving of the driver of KSRTC bus bearing registration No.KA-42/F-604. The Tribunal after recording evidence, appreciating evidence on record has assessed the compensation and awarded the compensation under various heads as under:

1.	Loss of future income due to permanent disabilities.	Rs.2,10,000/-
2.	Pain ad suffering & Loss of amenities.	Rs.2,00,000/-
3.	Food and nourishment and attendant charges	Rs.5,000/-
4.	Medical Expenses	Rs.10,749/-
5.	Loss of income during Laid up period	Rs.16,000/-
6.	Transportation Charges	RS.15,000/-
Total		Rs.4,56,749/-

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till relisation and directed the appellant–corporation to pay the award amount with interest. The corporation has



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challenged the quantum of compensation awarded by the Tribunal.

5. Heard learned counsel for the appellant - corporation and learned counsel for the respondent - claimant.

6. Learned counsel for the appellant -corporation would contend that the doctor who has assessed the disability i.e., P.W.2 is not treated doctor and he has stated that the fractures are united. Therefore, the disability stated by the doctor and taken by the Tribunal is on higher side. He further submitted that the compensation awarded for pain and suffering and loss of amenities are also on higher side. With these, he prays to allow the appeal.

7. Learned counsel for the respondent -claimant would contend that the claimant has sustained blunt injury in the chest with fracture of his right 5th to 11th rib and right haemothorax. Considering that he has pain in chest, he is unable to take deep breath, unable to lift weights



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and carry out his job as coolie, the doctor has rightly assessed the disability at 25%. Considering the same, the Tribunal has also rightly taken the disability at 25%. The claimant is aged about 60 years and he is coolie and considering the fractures sustained, the Tribunal has rightly awarded compensation towards pain and suffering and loss of amenities. With this, he prays to dismiss the appeal.

8. Having heard learned counsels, the Court has perused the judgment and award.

9. The claimant was pedestrian wherein the bus of the corporation dashed against him due to which he has sustained injuries. P.W.2 is doctor who has assessed the disability and he has stated that the claimant has sustained blunt injury in the chest with fracture of his right 5th to 11th rib and right haemothorax and also stated that the claimant has pain in the right chest and unable to take deep breath, unable to lift weights and carry out his job as coolie. P.W.2 has further stated in his evidence that the



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claimant has restricted chest expansion, tender right side of rib and decreased breath counts and X-ray of chest shows united fractures. Considering the avocation of the claimant as coolie, he has to lift heavy weight articles and do lot of physical work. Considering the said aspect, the doctor has assessed his functional disability of cardiopulmonary disability at 25%. Considering the said evidence, the Tribunal has rightly taken the disability of the claimant at 25%. The Tribunal has rightly taken the notional income of Rs.14,000/- per month, rightly applied multiplier 5 and awarded Rs.2,10,000/- towards loss of future income. The Tribunal has awarded Rs.2,00,000/- towards pain and suffering and loss of amenities. Considering the injuries and fractures sustained by the claimant i.e., fracture of 6 ribs and injury to the chest and considering the evidence of P.W.2, the compensation awarded by the Tribunal for pain and suffering and loss of amenities in sum of Rs.2,00,000/- is just and proper. The Tribunal based on the fact that the claimant has been



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admitted in the hospital has rightly awarded Rs.5,000/- for food, nourishment and attending charges. The Tribunal has rightly awarded medical expenses and transportation charges. The Tribunal has rightly awarded loss of income during laid up period for 01 month in a sum of Rs.16,000/-. Considering all these aspects, the compensation awarded by the Tribunal is just and proper.

10. In view of the above, the following

ORDER

- i) The appeal is ***dismissed.***
- ii) Amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 41
Ct.sm