



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.7113 OF 2025(MV-I)

BETWEEN:

MISS KEERTHY,
D/O. SHIVALINGAIAH,
AGED ABOUT 19 YEARS,
R/AT THIPPANAYAKANAHALLI,
KUNIGAL TALUK,
TUMAKURU - 572 130.

...APPELLANT

(BY SRI. SATHISHA T., ADVOCATE)

AND:

THE MANAGING DIRECTOR,
K.S.R.T.C. DEPOT,
BENGALURU CENTRAL OFFICE,
K.H. ROAD,
SHANTHINAGAR,
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. SAMARTH PRAKASH., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED:04.03.2025 PASSED IN MVC NO. 1971/2024 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT. BENGALURU (SCCH-23),PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is by the claimant seeking enhancement of compensation, arising out of judgment and award dated 04.03.2025 in MVC.No.1971/2024 passed by XXI Additional Small Causes Judge and Motor Accident Claims Tribunal, Bangalore (SCCH-23)¹.

2. The parties are referred to as per their ranking before the Tribunal.

3. The date of accident, involvement of vehicle and injury suffered and liability to pay the compensation are not in dispute. The only dispute is with respect to the quantum of compensation.

¹ "Tribunal for shot"



4. Heard Sri.Sathisha.T, learned counsel for appellant and Sri.Samarth Prakash, learned counsel for respondent-Corporation.

5. Sri.Sathisha.T, with all vehemence submits that the Tribunal has not considered the case of the claimant for awarding compensation under the head loss of future income and future medical expenses. The claimant has suffered fracture of clavicle, which has resulted in surgery i.e., ORIF with 6 holed Titanium LCP Plate and screws shaft of left clavicle done under GA on 30.09.2023. She was in-patient for 3 days. The Doctor who has been examined for assessment of disability has opined the same at 19% to the left upper limb and 7% to the whole body. The Tribunal has not properly considered this aspect of the matter.

[6. In that view of the matter, the Tribunal has held that the claimant is not entitled for any compensation under the head loss of future income. Further, in view of operation and fixation of ORIF, the same requires removal



and this aspect of the matter has also not been properly considered by the Tribunal and sought to enhance the compensation.

7. In contrast, Sri.Samarth Prakash, submits that the Tribunal has awarded higher compensation under the heads pain and suffering and amenities by awarding a sum of Rs.50,000/- and Rs.60,000/-, respectively and even awarded appropriate compensation under all the heads, including medical expenses and loss of income during laid up period. Further, he submits that for the fracture of clavicle, the Tribunal has awarded Rs.3,50,000/-. In that view of the matter, there is no chance for enhancement of compensation and sought to dismiss the appeal.

8. Having considered the rival submissions, this Court is of the considered opinion that, claimant was 18 years at the time of accident, she has suffered clavicle fracture, though the Doctor has assessed disability at 19% to the particular limb i.e., left hand and 7% to the whole



body, however, this Court in any number of cases held that the fracture of clavicle cannot result in disability, the Tribunal having considered the matter and the cross-examination of Doctor at paragraph No.14, wherein he has clearly stated that there is no disability caused, has not awarded any compensation under the head loss of future income. There is nothing on record to show that the claimant requires any operation to consider the claim for loss of future income.

9. However, considering the fact that the claimant has suffered fracture of clavicle and was 3 days as in-patient, a global compensation of another sum of Rs.20,000/- is awarded along with interest at the rate of 6% per annum from the date of petition till realization by modifying the award. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***



- (ii) The judgment and award dated 04.03.2025 in MVC.No.1971/2024 passed by the Tribunal, is modified and enhanced to Rs.**20,000/-** globally with interest at 6% per annum from the date of petition till realization.
- (iii) Respondent No.2-Insurer shall deposit the global compensation of Rs.20,000/- along with interest at the rate of 6% per annum before the concerned Tribunal, within six weeks from the date of receipt of the copy of this order.
- (iv) Upon deposit the entire amount shall be released in favour of the claimant on proper identification
- (v) The Registry shall return the trial Court record forthwith to the concerned Tribunal.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 18
ct-vn