



CNR: KAHC010632542025

NC: 2026:KHC:45989
MFA No. 7188 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7188 OF 2025
(MV-I)

BETWEEN:

SMT. KASTURI BAI H.K.
W/O HANUMATHA RAO K.,
AGED ABOUT 56 YEARS,
NO.22, 11TH 'B' CROSS, VYALIKAVAL,
BENGALURU - 560 003.

...APPELLANT

(BY SRI. P. MAHADEVASWAMY, ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTS, BENGALURU CENTRAL OFFICE,
K. H. ROAD, SHANTHINAGAR,
BENGALURU - 560 027.

...RESPONDENT

(BY SMT. ASHWINI B.N., ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.06.2025 PASSED IN MVC
NO.6014/2024 ON THE FILE OF THE XIV ADDITIONAL SMALL
CAUSES JUDGE AND ACJM AND MEMBER, MACT, BENGALURU
(SCCH-10), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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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 the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 19.06.2025 passed in MVC No.6014/2024 by XIV Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-10).

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

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by her in a road traffic accident occurred on 28.07.2024 contending that the accident occurred due to rash and



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negligent driving by the driver of BMTC bus bearing registration No.KA-53-F-0276.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Medical expenses	Rs. 85,000/-
2.	Pain and sufferings	Rs. 30,000/-
3.	Nourishment and diet food	Rs. 10,000/-
4.	Loss of future earning capacity due to permanent disability	Rs. 2,67,300/-
5.	Loss of amenities	Rs. 25,000/-
6.	Future medical expenses	Rs. 40,000/-
	Total	Rs. 4,57,300/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.



6. Heard the learned counsel for appellant and learned counsel for respondent.

7. Learned counsel for the appellant would contend that, P.W.2 - Doctor who has examined and assessed the disability of the claimant stated that the claimant has 24% disability of spine and 24% of right upper limb and 19% to the whole body. The Tribunal has erred in taking the disability of the claimant at 15% to the whole body. As per the chart prepared by the Karnataka State Legal Services Authority, the income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. The Tribunal has rightly applied multiplier '9'. The compensation awarded towards pain and sufferings and loss of amenities are on lower side. The Tribunal has not awarded loss of income during laid up period. With these, he prayed to allow the appeal.



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8. Learned counsel for the respondent would contend that, the Doctor who has examined and assessed the disability of the claimant is not a treated Doctor and he has stated that the fractures are united. Therefore, the disability taken by the Tribunal is just and proper. The compensation awarded on all other heads is just and proper. With these, she prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 28.07.2024. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. The claimant has sustained the following injuries:

- a) L1 Vertebra fracture with retropulsion
- b) Right distal end radius fracture



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Considering the said injuries sustained and the claimant has been admitted in hospital for four (04) days, the compensation awarded towards pain and sufferings in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.25,000/- requires to be enhanced to Rs.50,000/-.

11. P.W.2 - Doctor who has examined the claimant and assessed the disability and stated that the disability of the spine is 24% and right lower limb is 24% and whole body at 19%. The claimant was a flower vendor. Considering the said aspect and also that the injuries sustained, the disability is to be taken at 16% to the whole body as against 15% taken by the Tribunal. In view of the same, loss of future income is calculated as under:

$$\text{Rs.17,000/-} \times 12 \times 9 \times 16\% = \text{Rs.2,93,760/-}$$

12. Considering the said injuries, the claimant has to take rest atleast for two (02) months and therefore, the



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claimant is entitled to loss of income during laid up period in a sum of Rs.34,000/- (Rs.17,000/- X 02 months).

13. The Tribunal has rightly awarded towards medical expenses, food, nourishment and diet food etc. and future medical expenses.

14. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Medical expenses	Rs. 85,000/-
2.	Pain and sufferings	Rs. 60,000/-
3.	Food, Nourishment and diet food	Rs. 10,000/-
4.	Loss of future earning capacity due to permanent disability	Rs. 2,93,760/-
5.	Loss of amenities	Rs. 50,000/-
6.	Future medical expenses	Rs. 40,000/-
7.	Loss of income during laid up period	Rs. 34,000/-
	Total	Rs. 5,72,760/-



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15. The claimant is entitled to total compensation of Rs.5,72,760/- as against Rs.4,57,300/- awarded by the Tribunal with interest.

16. Consequently, the claimant is entitled to enhanced compensation of Rs.1,15,460/- (Rs.5,72,760/- - Rs.4,57,300/-) with interest at the rate of 6% per annum from the date of petition till realisation.

17. Respondent is liable to pay the said enhanced compensation amount with interest.

18. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.1,15,460/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *The Respondent shall deposit the enhanced compensation amount with interest before*



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*the Tribunal within a period of six weeks
from this day.*

*iv) The appellant/claimant is entitled to release
of entire enhanced compensation with
interest.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 35