



CNR: KAHC010635422025

NC: 2026:KHC:41795
MFA No. 7217 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7217 OF 2025
(MV-I)

BETWEEN:

SMT. LAKSHMAMMA
W/O RAMAPPA,
AGED 62 YEARS,
OCC: NIL, R/O HIREKANAHONGALA VILLAGE,
JAVOOR POST, SHIVANI HOBLI,
TARIKERE TALUK, CHIKKAMAGLUR DISTRICT,
1ST CROSS, SHEKHARAPPA NAGAR,
DAVANGERE TALUK AND DISTRICT.

...APPELLANT

(BY SMT. SUMITHRA G.M., ADVOCATE FOR
SMT. SARITHA KULKARNI, ADVOCATE)

AND:

1. CHALUVARAJU A.C.
S/O CHELUVAIAH,
10TH CROSS, VIGNESHWARA NAGARA,
BENGALURU - 560 091.
2. THE MANAGER DIRECTOR
BMTCL, K.H.ROAD,
SHANTHI NGARA,
BENGALURU - 560 027,
REPRESENTED BY THE DIVISIONAL CONTROLLER,
KSRTC DAVANGERE DIVISION,
DAVANGERE - 577 001.

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



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3. THE INTERNAL SECURITY FUND,
BMTC/KSRTC KH DOUBLE ROAD,
SHANTHI NGARA,
BENGALURU - 560 027.

...RESPONDENTS

(BY SRI. F.S. DABALI, ADVOCATE FOR R2 & R3;
VIDE ORDER DATED 10.07.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 11.08.2025
PASSED IN MVC NO.525/2018 ON THE FILE OF THE II
ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DAVANAGERE,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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 11.08.2025 passed in MVC No.525/2018
by II Additional Senior Civil Judge and MACT, Davanagere.

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 Nos.2
and 3, the matter is taken up for disposal.



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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 14.11.2017 contending that the accident occurred due to rash and negligent driving by the driver of BMTC bus bearing registration No.KA-57/F-2014.

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.	Loss of future income	Rs. 2,13,444/-
2.	Pain and suffering	Rs. 1,00,000/-
3.	Loss of income during laid up period	Rs. 50,000/-
4.	Attendant charges, transportation and miscellaneous expenses	Rs. 60,000/-
5.	Loss of amenities and nutritional food	40,000/-
6.	Medical Expenses	38,845/-
	Total	Rs. 5,02,289/-



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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent Nos.2 and 3 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 Nos.2 and 3.

7. Learned counsel for the appellant would contend that, the claimant has sustained left leg causing type-III open both bones fracture and left Bimalleolar fracture. The medical Board has assessed the disability at 63% to the left lower limb and the Tribunal has taken the disability to the whole body at 21%.

8. Considering the said aspect, the compensation awarded towards pain and sufferings, loss of amenities are on lower side. The compensation awarded towards loss of



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income during laid up period is also on lower side. With these, she prayed to allow the appeal.

9. Learned counsel for respondent Nos.2 and 3 would contend that, the claimant is aged sixty one (61) years and therefore, future prospects cannot be taken into consideration even though the disability is 21%. The compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

10. Having heard both the learned counsel for appellant and learned counsel for respondent Nos.2 and 3, the Court has perused the impugned Judgment And Award.

11. The accident occurred on 14.11.2017 and as on the date of accident, the claimant was aged sixty one (61) years. As per Ex.P6 - Wound Certificate, the claimant has sustained injuries namely i) left leg causing type-III open both bones fracture and ii) left Bimalleolar fracture. The



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medical Board assessed the disability of the claimant at 63% to the left lower limb and the Tribunal has rightly taken the disability at 21%. Since the claimant is aged sixty one (61) years, future prospects cannot be taken into consideration. The Tribunal has erred in taking the future prospects. The Tribunal has rightly taken the notional income at Rs.11,000/- and applied multiplier '7'. In view of the same, loss of future income is calculated as under:

$$\text{Rs.11,000/-} \times 12 \times 7 \times 21\% = \text{Rs.1,94,040/-}.$$

12. Considering the injuries as noted *supra* sustained by the claimant, he is entitled to a sum of Rs.1,20,000/- towards pain and sufferings as against Rs.1,00,000/- awarded by the Tribunal and Rs.80,000/- towards loss of amenities as against Rs.40,000/- awarded by the Tribunal. The Tribunal has rightly awarded attendant charges , transportation and miscellaneous expenses in a sum of Rs.60,000/-, medical expenses of



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Rs.38,845/- and loss of income during laid up period of Rs.50,000/-.

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

Sl. No.	Compensation Heads	Amount
1.	Pain and sufferings	Rs. 1,20,000/-
2.	Loss of amenities	Rs. 80,000/-
3.	Loss of income during laid up period	Rs. 50,000/-
4.	Attendant charges, transportation and miscellaneous expenses	Rs. 60,000/-
5.	Medical expenses	Rs. 38,845/-
6.	Loss of future income	Rs. 1,94,040/-
	Total	Rs. 5,42,885/-

14. The claimant is entitled to total compensation of Rs.5,42,885/- as against Rs.5,02,289/- awarded by the Tribunal with interest.

15. Consequently, the claimant is entitled to enhanced compensation of Rs.40,596/- (Rs.5,42,885/- -



Rs.5,02,289/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent Nos.2 and 3 are liable to pay enhanced compensation amount with interest.

17. 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.40,596/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent Nos.2 and 3 shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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

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

KLV
List No.: 1 Sl No.: 21