



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 7397 OF 2024 (MV-I)

BETWEEN:

THE MANAGING DIRECTOR,
BMTC,
CENTRAL ACCIDENT UNIT,
CENTRAL OFFICE,
SHANTHINAGAR,
BENGALURU – 560 027.

(OWNER OF THE VEHICLE BEARING
NO.KA57F-3522)

REPRESENTED BY ITS
CHIEF LAW OFFICER

...APPELLANT

(BY SRI. F.S. DABALI, ADVOCATE)

AND:

MS. VINUTHA
D/O NAGARAJ
AGED ABOUT 24 YEARS,
THARUNSE VILLAGE,
CHIKKAJALA HOBLI,
YELAHANKA TALUK,
BENGALURU DISTRICT – 560 064.

...RESPONDENT

(BY SMT. RADHIKA M, ADVOCATE (V/C))

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.02.08.2024 PASSED IN MVC



NC: 2026:KHC:45780
MFA No. 7397 of 2024

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NO.4526/2020 ON THE FILE OF THE COURT OF SMALL CAUSES, MACT, BENGALURU, (SCCH-14), C/c. XVI ADDITIONAL SMALL CAUSES JUDGE, BENGALURU, (SCCH-14), AWARDING COMPENSATION OF RS.2,74,800/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

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 by the Corporation (BMTC), assailing the quantum of compensation, particularly under the head 'medical expenses', arising out of the Judgment and Award dated 02.08.2024, passed by the Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-14) in MVC No.4526/2020.

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

3. Facts germane to file the present appeal are as under:



CNR: KAHC010646652024

3.1 In an accident occurred on 29.01.2019, a young girl aged 20 years, as per the Wound Certificate at Ex.P4 suffered laceration over left foot and dislocation of phalynx of 2nd, 3rd and 4th toe of left foot. The injuries suffered were due to rash and negligent driving of the driver of BMTC Bus. The doctor has been examined to support the disability resulted due to the accident. He has deposed the details of surgery conducted on the claimant and assessed physical impairment of the extremity at 30% and 10% to whole body. The Tribunal however, not awarded compensation under the head 'loss of future earning', but awarded compensation of Rs.2,74,800/- along with interest @ 6% per annum from the date of petition till realization. It is this Judgment, passed by the Tribunal is called in question in this appeal by the Corporation.

4. Heard, Sri.F.S.Dabali, learned counsel appearing for the Corporation and Smt.Radhika.M, learned counsel appearing for the claimant.



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

5. Sri.F.S.Dabali, with all vehemence submits that the medical expenses as per Ex.P4 has been considered at the rate of Rs.1,90,741/, are not the actual bills for the treatment taken. The bills marked under Ex.P14 are just Car rent bills issued by Global Rent - A - Car, with continuing receipt numbers. The author of the said bills was not examined to substantiate the same. The medical bills produced are all duplicate. In that view of the matter awarding Rs.1,90,741/- under the head 'medical expenses' is untenable and sought to allow the appeal by deducting the same, thereby reducing the compensation.

6. Smt.Radhika.M, with all vehemence submits that the claimant - a young girl suffered laceration over left foot and dislocation of phalynx of 2nd, 3rd and 4th toe of left foot. The doctor who has been examined has assessed disability at 10% to the whole body. Despite the same, the Tribunal has not considered the case to award any compensation under the head 'loss of future income'. The Tribunal has not



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

considered this aspect of the matter and awarded meager compensation and sought to dismiss the appeal.

7. In reply, Sri.F.S.Dabali, submits that at the time of accident, the claimant was student and during her cross-examination, she has stated that, she has been appointed as Tax Consultant in the college and hence, there is no loss of future income.

8. On a query, learned counsel Smt.Radhika, with all fairness submits that, the claimant is now working part time and she is earning Rs.15,000/- per month.

9. Having considered the rival submissions, this Court has perused the entire appeal paper as well as Trial Court record.

10. The medical expenses considered by the Tribunal under Ex.P4 is not sustainable in law, as the entire bills are receipts issued by Global Rent - A - Car and the same cannot be considered as medical expenses for the injuries suffered



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

by the claimant. A perusal of medical receipts also shows that they are in duplication. However, considering the fact that the claimant is not in appeal and looking into the injuries suffered, disability resulted and treatment taken, this Court is of the opinion that, if the entire compensation awarded is reduced to Rs.1,25,000/- with 6% interest from the date of petition till realization, the same would meet the ends of justice.

11. At this stage, Sri.F.S.Dabali, submits that, in view of granting interim order, a sum of Rs.1,47,647/- has already been deposited before the Tribunal and the claimant has already got released a sum of Rs.1,00,000/-.

12. Smt.Radhika, learned counsel appearing for the claimant is not in dispute with the submission made by learned counsel Sri.F.S.Dabali, regarding receipt of Rs.1,00,000/- by the claimant.



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

13. In that view of the matter, the Tribunal is directed to release the balance amount out of Rs.1,25,000/- along with interest @ 6% per annum from the date of petition till.

14. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 02.08.2024, passed by the Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-14) in MVC No.4526/2020 is modified and compensation is reduced.
- (iii) The claimant is entitled for reduced compensation of Rs.1,25,000/-, which shall carry interest @ 6% per annum from the date of petition till realization.



CNR: KAHC010646652024

NC: 2026:KHC:45780
MFA No. 7397 of 2024

- (iv) The statutory amount in deposit in this appeal, shall be transmitted to the concerned Tribunal for disbursement.
- (v) Upon deposit, the Tribunal is directed release the balance amount, out of Rs.1,25,000/- with interest stated supra, in favor of the claimant on proper identification. Excess amount left, if any, shall be refunded to that Corporation.
- (vi) Trial Court record, if any, shall be transmitted to the concerned Tribunal forthwith, without causing delay.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 12