



CNR: KAHC010721172024

NC: 2026:KHC:49434
MFA No. 8229 of 2024
C/W MFA No. 4217 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 8229 OF 2024

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4217 OF 2025

(MV-I)

IN MFA No. 8229/2024

BETWEEN:

SRI ANTHONY DEEPU T.
S/O. THOMAS R.,
AGED 26 YEARS,
R/AT NO.218, KANAKAPURA MAIN ROAD,
BEHIND MOUNT CARMEL CHURCH,
2ND BLOCK, THATTAGUPPE,
UTTARAHALLI HOBLI, BANGALORE SOUTH,
BANGALORE - 560 082.

...APPELLANT

(BY SRI/SMT. NITHYA ABHILASH, ADVOCATE FOR
SRI. PRAKASH M.H., ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTCL, DEPT. K. H. ROAD,
SHANTHINAGAR,
BANGALORE - 560 027.

...RESPONDENT

(BY SRI/SMT. SOHANI A. HOLLA, ADVOCATE)



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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.08.2024 PASSED IN MVC NO.1880/2023 ON THE FILE OF THE XXIII ADDITIONAL SMALL CAUSES JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, BENGALURU (SCCH-25), ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 4217/2025

BETWEEN:

THE MANAGING DIRECTOR
BMTCL, K.H.ROAD,
SHANTI NAGAR,
BANGALORE - 560 027.

...APPELLANT

(BY SRI/SMT. SOHANI A. HOLLA, ADVOCATE)

AND:

SRI ANTHONY DEEPU T.
S/O THOMAS R.,
AGED ABOUT 25 YEARS,
R/OAT NO.218, KANAKAPURA MAIN ROAD,
BEHIND MOUNT CARMEL CHURCH,
2ND BLOCK, THATTAGUPPE, UTTARAHALLI HOBLI,
BANGALORE SOUTH,
BANGALORE - 560 082.

...RESPONDENT

(BY SRI/SMT. NITHYA ABHILASH, ADVOCATE FOR
SRI. PRAKASH M.H., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.08.2024 PASSED IN MVC NO.1880/2023 ON THE FILE OF THE XXIII ADDITIONAL SMALL



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CAUSES JUDGE, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-25), AWARDING COMPENSATION OF RS.4,92,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSITING THE AMOUNT.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

Miscellaneous First Appeal No.8229/2024 is filed by the claimant seeking enhancement of compensation and Miscellaneous First Appeal No.4217/2025 is filed by BMTC (for short 'the Corporation') challenging the contributory negligence and quantum of compensation awarded in the Judgment and Award dated 12.08.2024 passed in MVC No.1880/2023 by XXIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-25).

2. Even though the matter is listed today for admission, with the consent of learned counsel appearing for the parties, the matter is taken up for disposal.



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3. The claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 19.02.2023 contending that the accident occurred due to rash and negligent driving by the driver of BMTC Bus bearing registration No.KA-57-F-1571.

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.	Pain and sufferings	Rs. 60,000/-
2.	Medical expenses	Rs. 31,208/-
3.	Loss of income during laid up period	Rs. 16,000/-
4.	Loss of future income	Rs. 3,45,600/-
5.	Loss of future amenities and happiness	Rs. 20,000/-
6.	Attendant, conveyance, food and nourishment charges	Rs. 20,000/-
	Total	Rs. 4,91,808/-



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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 the Corporation to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation and the Corporation challenging the contributory negligence attributed to the driver of Bus and quantum of compensation awarded.

6. Heard the learned counsel for the claimant and learned counsel for BMTC/Corporation.

7. Learned counsel for the Corporation would contend that, the accident occurred due to contributory negligence on the part of the claimant and that has not been considered by the Tribunal.

8. Ex.P5 is the charge sheet and it is filed against the driver of Bus for driving the Bus in a rash and negligent manner and causing the accident. The driver of Bus who has been examined as R.W.1 has stated in the



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cross-examination that he has not challenged the said charge sheet filed against him. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to rash and negligent driving of the driver of Bus.

9. Learned counsel for the Corporation would further contends that, P.W.2 is not a treated Doctor and he has given evidence based on Ex.P15 - Neuro Psychological Assessment Report prepared by Dr. Jayanthi M. and the said Dr. Jayanthi M. has not been examined. Considering the evidence of the said Doctor, the disability taken by the Tribunal at 10% to the whole body is not proper.

10. The claimant has sustained the following injuries as per Ex.P4 - Wound Certificate:

- i) Head injury : post traumatic seizure CT
Head : right frontal subdural Hemorrhage
multi facial sub Arachnoid, hemorrhage and
small intra parenchy hemorrhage. Fracture



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of right occipital bone and parenchymal
bone multiple facial bone fractures

- ii) CT cervical spine : Right 1st and 2nd Rib
fracture

11. P.W.2 is the Doctor who is working as Senior Consultant Neurosurgeon at Padmashree Diagnostics and he has stated in his chief-examination that based on Neuro Psychological Assessment Report of Dr. Jayanthi M., he has assessed the Neuro disability at 40% and whole body at 10%. The said Dr. Jayanthi M. has not been examined who is the author of Ex.P15. The claimant himself has been examined as P.W.1 and he has faced cross-examination. Considering the said aspect, the disability taken by the Tribunal at 10% to the whole body is not proper and disability is to be taken at 5%. In view of the same, loss of future income is calculated as under:

$$\text{Rs.16,000/-} \times 12 \times 18 \times 5\% = \text{Rs.1,72,800/-}$$



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12. The claimant is entitled to loss of future income due to disability at Rs.1,72,800/- as against Rs.3,45,600/- awarded by the Tribunal.

13. Considering the injuries noted *supra* which includes injuries to the head and face, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.60,000/- requires to be enhanced to Rs.90,000/- and loss of amenities in a sum of Rs.20,000/- requires to be enhanced to Rs.60,000/-.

14. The claimant has been admitted in hospital for eleven (11) days. Considering the same, the compensation awarded towards attendant, conveyance, food and nourishment charges etc. in a sum of Rs.20,000/- awarded by the Tribunal is just and proper. The avocation of the claimant is tile fitting. Considering the head injury and other facial injuries, he has to take rest at least for three (03) months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.48,000/- (Rs.16,000/-



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X 03 months) as against Rs.16,000/- awarded by the Tribunal.

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

Sl. No.	Particulars	Amount
1.	Loss of future income	Rs. 1,72,800/-
2.	Pain and suffering	Rs. 90,000/-
3.	Attendant, conveyance, food and nourishment etc.	Rs. 20,000/-
4.	Loss of income during laid up period	Rs. 48,000/-
5.	Loss of amenities	Rs. 60,000/-
6.	Medical expenses	Rs. 31,208/-
	Total	Rs. 4,22,008/-

16. The claimant is entitled to total compensation of Rs.4,22,008/- as against Rs.4,92,000/- awarded by the Tribunal with interest.

17. In view of the above, the following:

ORDER

- i) *Both Miscellaneous First Appeals are **allowed in-part.***



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- ii) *The claimant is entitled to total compensation of Rs.4,22,008/- as against Rs.4,92,000/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *The BMTC/Corporation shall deposit the total compensation amount with interest before the Tribunal within a period of six weeks from this day including the amount which is already deposited.*
- iv) *The claimant is entitled to release of 50% of the total compensation with interest and remaining amount shall be kept in Fixed Deposit with Karnataka Bank, City Civil Court Branch, Bengaluru for three years in the name of claimant.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE