



CNR: KAHC010773162025

NC: 2026:KHC:47402
MFA No. 8914 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8914 OF 2025

(MV-I)

BETWEEN:

SRI GOPAL
S/O CHINNAIAH
NOW AGED ABOUT 62 YEARS
RESIDING AT No.550
1ST MAIN, 2ND CROSS
VEERA MADAKARI HIGH SCHOOL
VARTHUR MAIN RAOD
RAMAGONDANAHALLI
BENGALURU - 560 060.

...APPELLANT

(BY SMT. SUSHMITHA G, ADVOCATE)

AND:

THE MANAGING DIRECTOR
KSRTC, K .H. ROAD
SHANTHI NAGAR
BENGALURU - 560 027.

...RESPONDENT

(BY SMT. RADHA B P, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:04.02.2025
PASSED IN MVC No.8141/2023 ON THE FILE OF THE XIX

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



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ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU
SCCH-7, 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 appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 04.02.2025 passed in MVC No.8141/2023 by the XIX Additional Judge, Court of Small Causes, Member, MACT, Bengaluru (SCCH-17).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent/KSRTC.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 06.11.2023 contending that the accident occurred due to rash and negligent



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driving of the driver of KSRTC bus bearing Regn.No.KA-18-F-1061. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards pain and agony	30,000/-
02.	Towards medical expenses	3,75,300/-
03.	Towards loss of income during laid up period	64,000/-
04.	Towards disability	2,07,360/-
05.	Towards food, nourishment and conveyance	20,000/-
06.	Towards attendant charges	6,000/-
07.	Towards loss of amenities	30,000/-
08.	Towards future medical expense	40,000/-
	Total	7,72,660/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent/KSRTC to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.



5. Heard learned counsel for the appellant and learned counsel for respondent/KSRTC.

6. Learned counsel for appellant would contend that PW.2 – Doctor who has examined the claimant has assessed his disability and stated that claimant is having 55% disability to the left lower limb and whole body disability at 19% but the Tribunal has taken disability at 12% to the whole body and the same is on lower side. The notional income fixed for the year 2023 is Rs.16,250/- and the same is to be taken. The Tribunal has rightly applied multiplier '9'. Considering the injuries sustained, the compensation awarded towards pain and suffering is on lower side. With this she prayed to allow the appeal.

7. Learned counsel for respondent would contend that PW.2 is not the treated Doctor and he assessed the disability after one year of the accident. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The claimant has sustained fracture of left distal femur communitied with intra articular extension. Considering the said injury the compensation awarded towards pain and suffering in a sum of Rs.30,000/- by the Tribunal requires to be enhanced to Rs.50,000/-.

10. PW.2 is the Doctor who has examined the claimant and assessed his disability and stated that the claimant is having 55% disability to the left lower limb and 19% disability to the whole body. Considering the said evidence and fracture sustained, the disability to the whole body is to be taken at 15% as against 12% taken by the Tribunal. The notional income for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the same is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly applied multiplier



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'9' since the claimant is aged 60 years. In view of the above, loss of future income is calculated as under:

$$\text{Rs.}16,250 \times 12 \times 9 \times 15\% = \text{Rs.}2,63,250/-$$

11. Considering the injuries sustained and that the claimant has been admitted in the hospital for 6 days, the compensation awarded towards loss of amenities, medical expenses, loss of income during laid up period, food, nourishment and conveyance, attendant charges, future medical expenses are just and proper.

12. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	50,000/-
02.	Medical expenses	3,75,300/-
03.	Loss of income during laid up period	64,000/-
04.	Loss of future income	2,63,250/-
05.	Food, nourishment and conveyance	20,000/-
06.	Attendant charges	6,000/-
07.	Loss of amenities	30,000/-
08.	Towards future medical expenses	40,000/-
	Total	8,48,550/-



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13. Considering the above aspects, the claimant is entitled to total compensation of Rs.8,48,550/- as against Rs.7,72,660/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.75,890/- with interest @ 6% p.a. from the date of petition till realization. Respondent is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.75,890/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent shall deposit the enhanced compensation with interest before the



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Tribunal within a period of six weeks from
this day.

- iv) Appellant is entitled to release of entire
enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 43
Ct.sm