HC-KAR

NC: 2026:KHC:60497
MFA No. 824 of 2025

CNR: KAHC010062152025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 824 OF 2025 (MV-I)**

**BETWEEN:**

THE DIVISIONAL CONTROLLER
KSRTC DIVISIONAL OFFICE,
KUKRUMPADY DARBE POST,
PUTTUR TALUK, D.K. DISTRICT -574 202
(KSRTC BUS BEARING REG NO.KA-21-F-0071)
POLICY NO. KARNATAKA GOVT,
ORDER NO. HTDMV -106/68
NOW REPRESENTED BY IT'S
CHIEF LAW OFFICE, KSRTC, CENTRAL OFFICE,
SHANTHINAGAR, K.H. ROAD,
BENGALURU - 560 027.

...APPELLANT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

**AND:**

AKASH @ AKASH D.G.
S/O GIRIYAPPA GOWDA,
AGED ABOUT 21 YEARS,
R/O DASARAKODI HOUSE,
NETLAMUDNOOR POST AND VILLAGE,
BANTWAL TALUK,
D.K. DISTRICT -574 211,
NOW R/AT KABAKA OF PUTTUR,
KASAB VILLAGE,
D.K. DISTRICT -574 201

...RESPONDENT

(RESPONDENT SERVED BUT UNREPRESENTED)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 27.08.2024 PASSED IN MVC NO.990/2022 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND ACJM, PUTTUR D.K., AWARDING COMPENSATION OF RS.,4,34,068/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALISATION.

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 KSRTC challenging the Judgment and Award dated 27.08.2024 passed in MVC No.990/2022 by the Principal Senior Civil Judge and ACJM and Additional MACT, Puttur, D.K.

2. Even though the matter is listed today for admission, with the consent of the learned counsel for KSRTC, 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 03.01.2022 contending that the accident occurred due to rash and negligent driving by the driver of KSRTC bus bearing registration No.KA-21-F-0071.

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. 20,000/- |
| 2. | Medical attendant and other incidental charges | Rs. 2,000/- |
| 3. | Laid up period charges | Rs. 7,750/- |
| 4. | Medical expenses | Rs. 96,522/- |
| 5. | Loss of earning due to disability | Rs. 2,57,796/- |
| 6. | Future medical expenses | Rs. 40,000/- |
| 7. | Loss of amenities | Rs. 10,000/- |
| | **Total** | **Rs. 4,34,068/-** |

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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 KSRTC to pay the compensation awarded.

6. Heard the learned counsel for the appellant/KSRTC. Inspite of service of notice to respondent/claimant, he remained absent and unrepresented.

7. The accident occurred on 03.01.2022 and as on the date of accident, the claimant was aged eighteen (18) years. Considering the said age of the claimant, the Tribunal rightly applied multiplier '18'.

8. The claimant has sustained the following injuries:

i) Sutured wound of 4 cms. length on the right side of head

ii) Brownish abrasion of 4 cms. X 2 cms. on the back of right cheek with CT scan showing fracture of mandible

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iii) Brownish abrasion of 5 cms. X 4 cms. on the back of right elbow

iv) Brownish abrasion of 3 cms. X 3 cms. on the left elbow

v) Brownish abrasion of 2 cms. X 2 cms. on the right hand

vi) Brownish abrasion of 5 cms. X 1 cm. on the back of left hand

vii) Brownish abrasion of 6 cms. X 3 cms. on the right knee

viii) Brownish abrasion of 4 cms. X 3 cms. on the left knee.

9. Out of the said eight (08) injuries, one is grievous injury i.e., at Sl.No.ii - fracture of mandible. C.W.1 is the Doctor and he has examined the claimant, assessed disability and stated that the claimant has sustained disability at 15% with respect to face. The Tribunal has taken the whole body disability at 7%. Since the claimant is a student aged at eighteen (18) years and the fracture is to the mandible, the disability taken by the Tribunal at 7% is on higher side and the disability to the whole body is to be taken at 5%.

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10. Since the disability is less than 20%, the claimant is not entitled to future prospects. The Tribunal has erred in adding future passports. The Tribunal has rightly taken the notional income at Rs.15,500/- per month. In view of the same, loss of future income due to disability is calculated as under:

Rs.15,500/- X 12 X 18 X 5% = Rs.1,67,400/-

11. Considering the injuries sustained by the claimant as noted supra, the compensation awarded by the Tribunal in a sum of Rs.20,000/- towards pain and sufferings is reassessed and awarded Rs.65,000/- and loss of amenities awarded by the Tribunal in a sum of Rs.10,000/- is reassessed and awarded Rs.50,000/-.

12. The Tribunal has rightly awarded the compensation under other heads.

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

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| Sl. No. | Particulars | Amount |
|---|---|---|
| 1. | Pain and sufferings | Rs. 65,000/- |
| 2. | Attendant and conveyance charges | Rs. 2,000/- |
| 3. | Loss of income during laid up period | Rs. 7,750/- |
| 4. | Medical expenses | Rs. 96,522/- |
| 5. | Loss of future income due to disability | Rs. 1,67,400/- |
| 6. | Future medical expenses | Rs. 40,000/- |
| 7. | Loss of amenities | Rs. 50,000/- |
| | **Total** | **Rs. 4,28,672/-** |

14. The respondent/claimant is entitled to total compensation of Rs.4,28,672/- as against Rs.4,34,068/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

15. The Tribunal has rightly excluded interest on future medical expenses of Rs.40,000/-.

16. In view of the above, the following:

**ORDER**

*I) Miscellaneous First Appeal is **allowed-in-part**.*

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*II) Judgment and Award passed by the Tribunal is modified as under:*

*a) The respondent/claimant is entitled to total compensation of Rs.4,28,672/- as against Rs.4,34,068/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.*

*b) The respondent/claimant is not entitled to interest on future medical expenses of Rs.40,000/-.*

*c) The KSRTC shall deposit the said compensation amount with interest before the Tribunal within a period of six weeks from this day.*

*d) The amount in deposit is ordered to be transmitted to the Tribunal.*

*e) Out of the compensation awarded, 50% shall be released to the respondent/claimant and remaining 50% shall be kept in Fixed Deposit in the name of the respondent/claimant*

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*in any Nationalised/Scheduled Bank for a period of three (03) years.*

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**(SHIVASHANKAR AMARANNAVAR)**
**JUDGE**

KLV
List No.: 1 Sl No.: 32