HC-KAR
CNR: KAHC010064642025

NC: 2026:KHC:65165
MFA No. 807 of 2025
C/W MFA No. 5719 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 807 OF 2025 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 5719 OF 2025

(MV-I)

IN MFA No. 807/2025

BETWEEN:

THE GENERAL MANAGER
K.S.R.T.C. SHANTI NAGAR
BENGALURU-560 027
REP. BY CHIEF LAW OFFICER
BENGALURU-560 027.

...APPELLANT

(BY SMT. MEGHA, ADVOCATE FOR
SRI. RAJASHEKAR S, ADVOCATE)

AND:

1. SRI RANGAIAH
C/O. SRI. MAGADI RANGAIAH
AGED ABOUT 53 YEARS
WORKING AS LABOURER/LORRY LOADER
R/AT No. 165, KOTE STREET
NELAMANGALA TALUK
THYAMAGONDLU
BENGALURU RURAL-562 132.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

2. SRI. JAGADEESH NAYAK
AGED ABOUT MAJOR
R/AT MACHIHALLI
THANDA, TELGI HOBLI
HARAPPANAHALLI TALUK
DAVANAGERE DISTRICT-583 131.

…RESPONDENTS

(BY SRI RAJU S, ADVOCATE FOR R1
V/O DTD. 08.10.2026, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:03.10.2024 PASSED IN MVC No.6506/2022 ON THE FILE OF THE MEMBER, MOTOR VEHICLES ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, XIX ADDITIONAL JUDGE, BENGALURU CITY (SCCH-17),AWARDING COMPENSATION OF Rs.32,22,800/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA No.5719/2025

BETWEEN:

SRI. RANGAIAH
C/O. MAGADI RANGAIAH
AGED ABOUT 51 YEARS, R/AT
No. 165, KOTE STREET
THYAMAGONDLU NELAMANGALA TALUK
BENGALURU RURAL-562 132.

...APPELLANT

(BY SRI. RAJU S, ADVOCATE)

AND:

1. THE GENERAL MANAGER

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KSRTC, SHANTHI NAGAR
BENGALURU-560 027.

2. SRI. JAGADEESH NAYAK
AGED : MAJOR
R/AT: MACHIHALLI THANDA,
TELGI HOBLI,
HARAPANAHALLI TALUK
DAVANAGERE DISTRICT-583 131.

...RESPONDENTS

(BY SMT. MEGHA, ADVOCATE FOR
SRI. S.RAJASHEKAR, ADVOCATE FOR R1
V/O DTD. 11.08.2025, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:03.10.2024 PASSED IN MVC No.6506/2022 ON THE FILE OF THE XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU CITY, (SCCH-17), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.807/2025 is filed by the KSRTC challenging the quantum of compensation awarded and MFA No.5719/2025 is filed by the claimant seeking enhancement of compensation awarded in the judgment

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and awarded dated 03.10.2024 passed in MVC No.6506/2022 by the XIX Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-17).

2. Even though the appeals are listed today for admission they are taken up for disposal with the consent of learned counsels for the parties.

3. The claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 02.07.2022 due to rash and negligent driving of the driver of KSRTC bus bearing Regn.No.KA-06-F-1173. The Tribunal after recording the evidence of the parties, appreciating the evidence, assessed the compensation and awarded total compensation under various heads as under:

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Towards pain and agony	75,000/-
02.	Towards medical expenses	1,91,800/-
03.	Towards loss of income	NIL
04.	Towards disability	24,18,000/-
05.	Towards food, nourishment and conveyance	20,000/-
06.	Towards attendant charges	4,68,000/-

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07.	Towards loss of amenities	50,000/-
08.	Towards future medical expenses	NIL
	Total	**32,22,800/-**

3. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and held that the accident occurred due to the sole rash and negligent driving of the KSRTC bus and directed the KSRTC to deposit the award amount with interest.

4. The KSRTC challenged the entire liability saddled on it and also quantum of compensation awarded. The claimant has filed appeal seeking enhancement of the compensation awarded by the Tribunal.

5. Learned counsel for KSRTC would contend that the accident occurred at 09:45 p.m. on 02.07.2022 during night time and it is the corner of the road which enters the KSRTC bus stand and the claimant was a pedestrian without observing the movement of the bus he came on the road and dashed to the bus. He further submitted that there is a contributory negligence on the part of the

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claimant. She further submits that Doctor has stated that the disability to the lower limb is 75% and to the whole body is 25% and the Tribunal has erred in taking disability at 100%. The compensation awarded towards attendant charges in a sum of Rs.4,68,000/- is on higher side. With this she prayed to allow the appeal by the KSRTC.

6. Learned counsel for the claimant would contend that charge sheet has been filed against the driver of the KSRTC bus. The bus driver drove the same in a rash and negligent manner and dashed to the pedestrian. The bus driver has not challenged the charge sheet filed against him. There are no brake marks on the spot. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to sole rash and negligent driving of the KSRTC bus driver. He further submits that even though the Tribunal has awarded compensation under the head of loss of future income due to disability, future prospects has not been added. The Tribunal has rightly taken disability at 100%. There is amputation of right leg

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of the claimant and on that point he places reliance on the decision of the Hon'ble Apex Court in the case of **M.Paramesh vs. VRL Logistics Ltd and another (2026 INSC 655)**. He further submits that as there is amputation the claimant cannot attend to his routine work and he requires help of an attendant and therefore, the Tribunal has rightly awarded a sum of Rs.4,68,000/- towards attendant charges. With this he prayed to allow the appeal filed by the claimant.

7. Having heard the learned counsels, the Court has perused judgment, award and trial Court records.

8. The following points arise for consideration:

(i) Whether there are any grounds to hold that the claimant has also contributed to the accident?

(ii) Whether the compensation awarded by the Tribunal is just and proper?

Re-point No.1.

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9. The accident occurred on 02.07.2022 at 09:45 p.m. Ex.P4 is the charge sheet filed against the driver of the bus for the offences under Sections 279, 337, 338 of IPC for rash and negligent driving. The said charge sheet has not been challenged by the KSRTC bus driver. In column No.17 of the said charge sheet, it is mentioned that the KSRTC bus driver drove the bus in speed and in a rash and negligent manner and dashed to the claimant when he was crossing the road. Ex.P5 is the spot mahazar with the sketch of the spot of the accident. As per the said sketch the accident occurred on the corner of the road leading to KSRTC bus stand. It is not stated in the charge sheet that claimant suddenly entered the road. There are no any brake marks on the spot in order to show that the driver of the bus applied brake on seeing the pedestrian/claimant. Considering the said aspect, there is no contributory negligence on the part of the claimant. Accordingly, Point No.1 is answered.

Re-Point No.2

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10. The claimant has sustained crush injury to left leg and non-viable crush injury right heel. There is amputation of left leg of the claimant. Considering the said injuries, the Tribunal has rightly awarded compensation towards pain and suffering in a sum of Rs.75,000/- and loss of amenities in a sum of Rs.50,000/- The Tribunal considering the documents has rightly awarded medical expenses of Rs.1,91,800/-.

11. PW.3 is the doctor who has examined the claimant, assessed his disability and stated that claimant has sustained 75% disability to the left lower limb and 25% to the whole body. The Tribunal has taken functional disability at 100%. The occupation of the claimant is a loader. The work of the loader is to lift heavy articles and shift it from one place to other place. Due to amputation of one leg, the claimant cannot carry avocation of a loader. Considering the said aspect, the Tribunal has rightly taken disability at 100%. The Hon'ble Apex Court in the case of M.Paramesh(supra) has taken functional disability at

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100% where the claimant is a Mason and there was amputation of leg. Therefore, the functional disability taken by the Tribunal at 100% is just and proper. Even though the Tribunal has taken disability at 100% but has not added future prospects. The date of birth of the claimant is 01.01.1972 and as on the date of accident he was aged 50 years 6 months. Therefore, future prospects at 10% is to be added. The Tribunal has rightly taken income at Rs.15,500/- p.m. and rightly applied multiplier '13' since the claimant is aged 50 years. In view of the same, the claimant is entitled to loss of future income due to disability as under:

Rs.24,18,000+10% future prospects = Rs.26,59,800/-

12. The claimant has been admitted in the hospital for 20 days and considering the same, the Tribunal has rightly awarded Rs.20,000/- towards conveyance, food and nourishment etc.

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13. The Tribunal has awarded Rs.4,68,000/- towards attendant charges on the ground that the claimant requires care of an attendant for the rest of his life. It is not the case of the claimant that he is bedridden and he cannot move from one place to the other place to award attendant charges. As there is amputation of the left leg, with the help of artificial limb/prosthesis the claimant can attend to his regular routine work. Therefore, instead of attendant charges the claimant is entitled to cost of artificial limb. The cost of an artificial limb is about Rs.50,000/-. The age of the claimant is 50 years and the life span is considered as 70 years and that the life of one artificial is five years, then the claimant requires atleast four artificial limbs in his life time. Therefore, the claimant is entitled to a sum of Rs.2,00,000/- (Rs.50,000 x 4) towards artificial limb.

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

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Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	75,000/-
02.	Loss of amenities	50,000/-
03.	Medical expenses	1,91,800/-
04.	Loss of future income due to disability	26,59,800/-
05.	Food and conveyance charges	20,000/-
06.	Cost of artificial limb	2,00,000/-
	Total	**31,96,600/-**

15. Considering the above aspects, the claimant is entitled to total compensation of Rs.31,96,600/- as against Rs.32,22,800/- as awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 207 days in filing the appeal as per order dated 07.10.2026 passed on I.A.1/2025.

16. In view of the above, the following:

ORDER

i) Both the appeals are allowed in part**.**

ii) The claimant is entitled to total compensation of Rs.31,96,600/- with interest @ 6% p.a. from the date of petition till realization.

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iii) The KSRTC shall deposit the entire compensation with interest before the Tribunal within a period of six weeks from this day.

iv) The claimant is not entitled to interest for the delay period of 207 days in filing the appeal.

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

vi) The order of Tribunal with regard to deposit and release shall remain undisturbed.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 7
Ct.sm