HC-KAR

NC: 2026:KHC:61864
MFA No. 925 of 2026

CNR: KAHC010086262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 925 OF 2026 (MV-I)

BETWEEN:

SMT. SANJU MOHANTY
W/O KAILASH CHANDRA MOHANTY
AGED ABOUT 54 YEARS
R/AT FLAT No.410. A-2
GHATAPRABHA BLOCK
NATIONAL GAMS VILLAGE
KORAMANGALA
BANGALORE-47.

...APPELLANT

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTC, SAARIGE BHAVANA
DOUBLE ROAD,/ KH ROAD
SHANTHINAGAR, BENGALURU - 27

...RESPONDENT

(BY SRI. D VIJAYA KUMAR, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:08.09.2025 PASSED IN MVC No.2944/2024 ON THE FILE OF THE XXIII ADDL. SMALL CAUSES JUDGE, MACT AT BENGALURU (SCCH-25), PARTLY

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JUDGE, HIGH COURT OF KARNATAKA

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 08.09.2025 passed in MVC No.2944/2024 by the XXII Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-25).

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 -BMTC.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 27.02.2024 contending that the accident occurred due to rash and negligent

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driving of the driver of BMTC bus bearing registration No.KA-01/F-4946. 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.	NATURE OF THE HEADS	COMPENSATION
1	Medical Expenses	Rs.44,450-00
2	Loss of income during treatment	Rs.4,950-00
3	Attendant, Food & Nourishment charges	Rs.9,000-00
4	Pain and Suffering	Rs.1,00,00-00
5	Loss of future earning on account of disability	Rs.5,22,720-00
6	Future Medical expenses	Rs.20,000-00
	TOTAL	**Rs.7,01,120-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent -BMTC 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 –BMTC.

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6. The accident occurred on 27.02.2024 and as on the date of accident, the claimant was aged 53 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '11'. The notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken as against Rs.16,500/- as taken by the Tribunal.

7. The claimant has sustained crush injury of right ankle and foot and there is amputation of right foot. Considering the said injury sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,00,000/- is just and proper. The Tribunal has not awarded loss of amenities. Considering the said injury, the claimant is entitled to loss of amenities in a sum of Rs.80,000/-.

8. The claimant has been admitted in the hospital for 2 occasions for 23 days. Therefore, she is entitled to attendant, conveyance charges, food and nourishment

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etc., in a sum of Rs.23,000/- (Rs.1,000/- x 23 days) as against Rs.9,000/- as awarded by the Tribunal. Considering the injury sustained i.e., amputation of right foot, the claimant has to take rest at least for 03 months and therefore, she is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000/- x 03 months) as against Rs.4,000/- as awarded by the Tribunal.

9. P.W.3 is the doctor who has examined the claimant, assessed her disability and stated that the claimant has sustained 48% impairment disability to the whole body and the Tribunal considering the same has taken the disability to the whole body at 24%. Considering the fact that the claimant is a housewife, the Tribunal has rightly taken disability at 24% to the whole body. Even though the disability is more than 20%, the Tribunal has not added future prospects and same is to be added at 10%. In view of the above, loss of income due to disability is calculated as under:

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Rs.17,000/- x 12 x 11 x 24% + 10% = Rs.5,92,416/-

10. The doctor –P.W.3 has stated that the claimant needs midfoot total contact suction prosthesis for amputated limb and estimated cost of the same is Rs.50,000/-. The Tribunal has awarded only Rs.20,000/- towards future medical expenses. Considering the age of the claimant i.e., 53 years and the life of the prosthesis as 5 years she requires 03 prosthesis considering the life span is 70 years. Therefore, the claimant is entitled to future medical expenses in a sum of Rs.1,50,000/- (Rs.50,000/- x 3) as against Rs.20,000/- as awarded by the Tribunal.

11. The claimant is entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,00,000/-
02.	Towards Medical Expenses	44,450/-
03.	Towards attendant, conveyance charges, food and nourishment etc.,	23,000/-

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04.	Towards loss of amenities	80,000/-
05.	Towards loss of future income due to disability	5,92,416/-
06.	Toward loss of income during laid up period	51,000/-
07.	Towards Future Medical Expenses	1,50,000/-
	Total	**10,40,866/-**

The claimant is entitled to total compensation of Rs.10,40,866/- as against Rs.7,01,120/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.3,39,746/- with interest at the rate of 6% per annum from the date of petition till realization. The respondent –BMTC is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following

ORDER

i) This appeal is ***allowed in part.***

ii) The appellant -claimant is entitled to enhanced compensation of Rs.3,39,746/- with interest at the

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rate of 6% per annum from the date of petition till realization.

iii) The respondent -BMTC shall deposit the said enhanced compensation with interest before the tribunal within a period of 06 weeks from this day.

iv) Out of the enhanced compensation, 50% shall be released to the claimant and 50% shall be kept in fixed deposit with Karnataka Bank, High Court Branch, Bengaluru for a period of 05 years.

v) The claimant is not entitled to interest on enhanced future medical expenses of Rs.1,20,000/-.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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