CNR: KAHC010151672026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1614 OF 2026

(MV-I)

BETWEEN:

SHRI S KIRAN
S/O. LATE C. SUBBANNA
AGED 39 YEARS
R/A. HOLALU VILLAGE
DUDDA HOBLI
MANDYA TALUK AND
DISTRICT-571 401.

...APPELLANT

(BY SRI SANATH KUMARA. K.M, ADVOCATE)

AND:

DIVISIONAL CONTROLLER
K.S.R.T.C.
DIVISION OFFICE
K.S.R.T.C. BUS STAND
MANDYA CITY-571 401.

...RESPONDENT

(BY SRI. SAMARTH PRAKASH, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:19.10.2024 PASSED IN MVC No.1648/2022 ON THE FILE OF THE

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JUDGE, HIGH COURT OF KARNATAKA

ADDITIONAL SENIOR CIVIL JUDGE, CJM AND MACT, MANDYA, 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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 19.10.2024 passed in MVC No. 1648/2022 by the Additional Senior Civil Judge and MACT, Mandya.

2. Even though the appeal is listed for `Admission' today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent – Karnataka State Road Transport Corporation (for short hereinafter referred to as the Corporation) it is taken up for disposal.

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3. Appellant – claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 13.06.2022 due to the rash and negligent driving by the driver of KSRTC bus bearing registration No. KA-11-F-0090. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl.No.	Heads of compensation	Amount in Rs.
1.	Pain and sufferings	1,00,000/-
2.	Loss of amenities	1,00,000/-
3.	Medical expenses	2,62,003.25/-
4.	Diet and Transportation expenditure	6,000/-
	Total	4,68,003.25/-

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of

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realization and directed respondent – Corporation to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent – Corporation.

6. Learned counsel for appellant would contend that the claimant had availed totally 184 days earned leave due to the injuries sustained in the accident and therefore, he is entitled to loss of income during laid up period for a period of 184 days. He further submits that claimant had been admitted in the hospital for 18 days, therefore, entitled to attendant, conveyance, food and nourishment charges and compensation awarded towards the said head by the Tribunal in a sum of Rs.6,000/- is on lower side. With this he prayed to allow the appeal.

7. Learned counsel for respondent – Corporation would contend that the implant of the claimant has been

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removed during October, 2022 and in order to make a claim he availed earned leave and therefore, not entitled to loss of income during laid up period for a period of 184 days. With this he prayed to dismiss the appeal.

8. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

9. Claimant was working as Village Accountant as on the date of accident. Due to the accidental injuries claimant had availed earned leave. Ex.P.151 is the order issued by the Tahsildar, Mandya, whereunder the appellant – claimant is sanctioned 51 days earned leave, under Ex.P.152, 94 days of earned leave and under Ex.P.153, 39 days of earned leave is sanctioned. Claimant has totally availed 184 days of earned leave due to accidental injuries sustained by him and the same has also been mentioned in the said orders issued by the Tahsildar, i.e., Ex.P.151 to Ex.P.153. Therefore, claimant is entitled

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to loss of income during laid up period for a period of 184 days.

10. Learned counsel for appellant has made available copy of the salary slip of the claimant for December, 2022 wherein his gross salary is Rs.40,941/-. After deducting professional tax of Rs.200/-, medical allowance of Rs.200/- and traveling allowance of Rs.500/- his gross salary can be taken at Rs.40,000/-. Considering the said monthly salary, daily pay of the claimant is Rs.1,334/-. Therefore, claimant is entitled to loss of income during laid up period in a sum of Rs.2,45,456/- (Rs.1334 X 184 days).

11. Claimant was admitted in the hospital from 13.05.2022 till 30.06.2022, for a period of 18 days. Therefore, claimant is entitled to attendant, conveyance, food and nourishment charges in a sum of Rs.18,000/- (Rs.1,000 X 18 days) as against Rs.6,000/- awarded by the Tribunal.

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

1	Loss of income during laid up period	Rs.2,45,456/-
2	attendant, conveyance, food and nourishment charges (Rs.18,000 – Rs.6,000)	Rs.12,000/-
	Total	**Rs.2,57,456/-**

13. Considering the above aspects claimant is entitled to enhanced compensation of Rs.2,57,456/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest for the delay period of 360 days in filing the appeal as per order dated 21.07.2026 passed on I.A. No. 1/2026. Respondent – Corporation is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

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b) Appellant - claimant is entitled to enhanced compensation of Rs.2,57,456/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Appellant – Claimant is not entitled to interest for the delay period of 360 days.

d) Respondent – Corporation shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
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