IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 1776/2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5069/2024 (MV-I)

IN MFA No. 1776/2024

BETWEEN:

1. THE MANAGING DIRECTOR,
   BMTC, REGIONAL OFFICE
   K H ROAD, SHANTHINAGAR
   BENGALURU-560027

...APPELLANT

(BY SRI. D VIJAYAKUMAR.,ADVOCATE)

AND:

1. SYED ABBAS PASHA
   S/O SYED JAVID PASHA
   AGED ABOUT 23 YEARS
   R/A NO.69, 19TH A MAIN
   BTM 1ST STAGE, BEHIND AXIS BANK
   BENGALURU SOUTH, BENGALURU-560029

...RESPONDENT

(BY SRI. JAGADEESH H T.,ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 02.12.2023 PASSED IN MVC NO.1709/2020 ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES JUDGE, ACMM, COURT OF SMALL CAUSES AND

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MEMBER, MACT-15, BENGALURU, AWARDING COMPENSATION OF RS.17,30,700/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT OF AWARD AMOUNT.

IN MFA NO. 5069/2024

BETWEEN:

1. SYED ABBAS PASHA
   S/O SYED JAVID PASHA
   AGED ABOUT 23 YEARS
   R/AT NO.69, 19TH A MAIN, BTM 1ST STAGE
   BEHIND AXIS BANK
   BENGALURU SOUTH, BENGALURU 560029

...APPELLANT

(BY SRI. JAGADEESH H T.,ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
   BMTC, K H ROAD,
   SHANTHINAGARA, DOUBLE ROAD,
   BENGALURU 560027

...RESPONDENT

(BY SRI.D.VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.12.2023 PASSED IN MVC NO. 1709/2020 ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES JUDGE, ACMM, COURT OF SMALL CAUSES AND MEMBER, MACT-15, BENGALURU (SCCH-15), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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THESE APPEALS HAVING BEEN HEARD AND RESERVED ON 12.11.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

CAV JUDGMENT

MFA Nos.1776/2024 and 5069/2024 are filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by BMTC and the claimant, respectively, challenging the judgment and award dated 02.12.2023 passed in M.V.C. No.1709/2020, on the file of the XIII Additional Small Causes and ACMM and Additional Motor Accident Claims Tribunal (SCCH-15), Bengaluru (in short, 'the Tribunal'). The BMTC is challenging the negligence and quantum of the compensation, whereas the claimant seeks enhancement of the compensation.

2. Parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.

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3. The claimant has filed the claim petition before the Tribunal under Section 166 of the M.V. Act claiming compensation in respect of the injuries suffered by him in the road traffic accident that has taken place on 12.02.2020 at about 06:50 a.m. involving the motorcycle bearing Reg.No.KA-53/ET-3809 and BMTC bus bearing Reg.No.KA-57/F-3215 (in short, 'the offending bus').

4. The case of the claimant before the Tribunal in nutshell is that on the date of accident, the claimant was the rider of the motorcycle near Udupi Garden Signal 100 feet road 16th Main junction, BTM 2nd stage, Bengaluru; at that time, the offending bus came from behind, dashed against the motorcycle being driven by its driver rashly and negligently and caused the accident. Due to the accident, the claimant sustained grievous injuries. Immediately, he was shifted to Sai Ram Hospital, B.G. Road, Bengaluru wherein he received first aid treatment; thereafter, he was shifted to HOSMAT Hospital, Bengaluru, wherein he has taken treatment as inpatient. Hence, he claimed compensation under different heads.

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5. The respondent appeared through its counsel and filed objection statement wherein it denied the averments made in the petition in *toto* and further contended that the accident happened due to rash and negligent driving of the rider of the motorcycle and not due to the driver of the offending bus. The rider of the motorcycle tried to overtake the bus from right side and then the left handle of the motorcycle came in contact with the right middle portion of the bus and thereby, the accident has taken place. Hence, prayed for dismissal of the petition.

6. After framing issues, recording evidence and hearing arguments of both sides, the Tribunal concluded that the claimant is entitled for a total compensation of ₹17,30,700/- under following heads:

Sl. No.	**Particulars**	**Amount in ₹**
1	Pain, shock & Suffering	1,00,000/-
2	Loss of amenities	1,00,000/-
3	Loss of income during the laid up period	72,500/-
4	Attendant's charges, Extra diet, and conveyance	45,000/-
5	Medical Expenses	8,93,400/-
6	Loss of Future Income	4,69,800/-
7	Future Medical Expenses	50,000/-
	Total compensation amount	**17,30,700**

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7. Further the Tribunal held that the accident has taken place only due to rash and negligent driving of the driver of the offending bus and not due to the rider of the motorcycle.

8. Not satisfied with the said compensation, the claimant is before this Court; being aggrieved by the fastening entire negligence on the driver of the BMTC bus and the quantum of compensation awarded, the BMTC is before this Court.

9. Heard arguments of both sides.

10. The learned counsel for BMTC Sri D. Vijayakumar would submit that the rider of the motorcycle with an intention to overtake the BMTC bus has taken right side and the left handle of the motorcycle contacted to the right middle portion of the bus and thereby, the accident has taken place.

11. The learned counsel would further submit that the compensation awarded by the tribunal on all heads is on higher side. Hence, prayed for allowing his appeal and to dismiss the appeal of the claimant.

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12. The learned counsel for respondent would submit that the tribunal after verifying the records, rightly fastened negligence on the part of BMTC driver; there was no negligence on the part of the claimant. As far as compensation is concerned, the doctor assessed the disability at 19% on whole body, however, the tribunal had taken it at 15% without assigning cogent reasons. Further, the compensation awarded by the tribunal on all heads is on lower side. Hence, prayed for allowing his appeal and to dismiss the appeal of the insurance Company.

13. Having heard arguments of both sides, verifying the appeal papers and trial Court records, the points that arise for consideration are:

> *"1. Whether the attributing negligence entirely on the driver of the offending bus by the Tribunal is proper?*
>
> *2. Whether the compensation awarded by the Tribunal requires modification?"*

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14. Finding of this Court on point No.1 is in '***Negative'*** and point No.2 is in '***Affirmative'*** for the following:

REASONS

15. The facts established before the Tribunal are that the claimant sustained injuries in the road traffic accident involving the motor cycle and the offending bus and because of the accident, the claimant sustained grievous injuries and he had taken treatment as inpatient in the hospital for 61 days. The claimant was aged 19 years as on the date of accident. He undergone surgery. The doctor assessed disability at 55% to particular limb and at 19% to the whole body and the claimant has suffered three grievous injuries.

16. The contention of the insurance Company is that the rider of the motorcycle with an intention to overtake the BMTC bus has taken the vehicle on right side and the left handle of the motorcycle contacted to the right middle portion of the bus and thereby, the accident has taken place.

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17. To substantiate the above contentions, the respondent examined the driver of the bus as RW.1 and produced the copies of order sheet and judgment passed in the criminal case as per Exs.R.1 and R2. But the aforesaid contention of BMTC is not at all established. On the other hand, Ex.P.5 - the Motor Vehicles Accident Report shows that the damages to the motorcycle on its rear side and there was no visible damages to the BMTC bus. Furthermore, the evidence of RW.1 is not helpful to the contention of the respondent. He has admitted that charge-sheet is filed against him after completion of investigation. Thus, the accident has not taken place as contended by the insurance Company, but it was taken place as alleged by the claimant.

18. Considering this aspect, rightly the Tribunal held that there is rashness and negligence on the part of driver of the offending bus and not on the part of the claimant. Even the spot panchanama and spot sketch establishes the aforesaid facts.

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19. As far as quantum is concerned, the claimant has suffered three injuries i.e. left Iliac wing fracture, right superior and inferior Pubic rami fracture and open Perennial injury and rectal tear. Totally, the claimant was in-patient in the hospital for 61 days. His Aadhar card shows that he was 19 years old as on the date of accident. The doctor who treated the complainant has given opinion that there is 55% disability to particular limb and 19% to the whole body. However, by assigning cogent reasons, the Tribunal held that the disability to the whole body of the claimant is 15% which requires no interference.

20. The Tribunal has taken the income of the claimant at ₹14,500/- by considering the notional income chart prepared by the KSLSA for Lok Adalat and has applied the appropriate multiplier - 18. Thus, the compensation awarded by the Tribunal under the head ‘loss of dependency’ requires no interference. Even though the claimant has sustained three grievous injuries, the Tribunal has awarded the compensation of ₹1,00,000/- towards 'pain and suffering'; ₹1,00,000/- towards 'loss of

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amenities' and ₹72,500/- towards 'loss of income during laid up period' (for five months) which are exorbitant. Under these heads, the claimant is entitled for ₹50,000/-, ₹50,000/-, and ₹43,500/- (for three months) respectively.

21. As far as compensation awarded by the Tribunal under other heads is concerned, they are just and reasonable and require no interference.

22. Thus, the claimant is entitled for total compensation of **₹16,01,700/-** instead of **₹17,30,700/-** as awarded by the Tribunal under the following heads:

Sl. No.	**Particulars**	**Amount in ₹**
1	Pain, shock & Suffering	50,000/-
2	Loss of amenities	50,000/-
3	Loss of income during the laid up period	43,500/-
4	Attendant's charges, Extra diet, and conveyance	45,000/-
5	Medical Expenses	8,93,400/-
6	Loss of Future Income	4,69,800/-
7	Future Medical Expenses	50,000/-
	Total compensation amount	**₹16,01,700/-**

23. Hence, this Court passes the following:

ORDER

i) MFA No.1776/2024 filed by the BMTC is ***allowed in part.***

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ii) MFA No.5069/2024 filed by the claimant is ***dismissed.***

iii) The claimant is entitled for compensation of **₹16,01,700/-** instead of **₹17,30,700/-** as awarded by the Tribunal;

iv) No order as to costs;

v) Draw modified award accordingly.

vi) The amount in deposit be transmitted to the Tribunal.

vii) Registry to transmit TCR to the Tribunal forthwith.

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(GEETHA K.B.)
JUDGE

SPV