HC-KAR

NC: 2026:KHC:60913
MFA No. 6132 of 2026
C/W MFA No. 1771 of 2026

CNR: KAHC010575852026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6132 OF 2026

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 1771 OF 2026

(MV-I)

IN MFA No. 6132/2026

BETWEEN:

SRI IMRAN
S/O. MOHAMMED YUSUF
AGED ABOUT 41 YEARS
R/O SHAMANNA GARDEN
HOSAGUDDAHALLI BAPUJI NAGARA.
GOVERNMENT ELECTRIC FACTORY.
BENGALURU- 560 026.

NOW RESIDING AT
KALIDASANAGARA, SIRAGATE
HOUSING BOARD, TUMKUR.
TUMKURU DISTRICT – 577 101.

...APPELLANT

(BY SRI. MALLIKARJUN B RYAKHA, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

REP. BY CHENNAPPA GOWDA
DIVISIONAL CONTROLLER OF CHICKBALLAPURA
KSRTC, CHIKKABALLAPURA
DIVISON CHICKKABALLAPURA- 562 101.

BRANCH OFFICE
THE MANAGING DIRECTOR
KARNATAKA STATE ROAD
TRANSPORTATION CORPORATION
TUMAKURU DIVISION BEHIND PRASHANTH TALKIES
OPPOSITE TO GUBBI
VEERANNA KALASHETRA
TUMKURU DISTRICT – 577 101.

…RESPONDENT

(BY SRI. JAGADEESH G S, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED.09-10-2025 PASSED IN MVC No.1629/2023 ON THE FILE OF THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, TUMAKURU PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 1771/2026:

BETWEEN:

THE MANAGING DIRECTOR
DIVISION CONTROLLER OF CHIKKABALLAPURA KSRTC
CHIKKABALLAPUR DIVISION, CHIKKABALLAPURA.
OFFICE
THE MANAGING DIRECTOR KSRTC
TUMAKUR DIVISION, BEHIND PRASHANTHA
TALKIES, OPPOSITE TO
GUBBI VEERANNA KALASHETRA
TUMAKUR, DISTRICT.
REP. BY ITS CHIEF LAW OFFICER

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

CENTRAL OFFICES,
K. H. ROAD, SHANTHINAGAR,
BENGALURU-560 027.

...APPELLANT

(BY SRI. JAGADEESH G S, ADVOCATE)

AND:

IMRAN
S/O MOHAMMED YUSUF
AGED ABOUT 38 YEARS
RESIDING AT SHAMANNA GARDEN
HOSANGUDDADAHALLI, BAPUJI NAGAR
GOVERNMENT ELECTRIC FACTORY
BANGALORE-560 026.
NOW RESIDING AT KALIDASANAGARA, SIRAGATE
HOUSING BOARD, TUMAKURU.
TUMAKURU DISRTICT.

...RESPONDENT

(BY SRI MALLIKARJUN B RYAKHA, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:09.10.2025 PASSED IN MVC No.1629/2023 ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE AND MACT AT TUMAKURU, PARTLY ALLOWING COMPENSATION OF Rs.31,58,185/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

ORAL JUDGMENT

1. MFA No. 6132/2026 is filed by the claimant seeking enhancement of the compensation awarded in MVC No. 1629/2023 and the KSRTC has filed MFA No. 1771/2026 challenging the liability fastened on it to pay the amount awarded in the judgment and award dated 09.10.2025 passed in MVC No. 1629/2023 by the III Additional District and Sessions Judge and MACT, Tumakuru.

2. Claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 17.10.2023 contending that the accident occurred due to the rash and negligent driving by the driver of the bus bearing registration No. KA-40-F-1123. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

1	Pain, shock and suffering	Rs.1,00,000.00
2	Loss of amenities etc.,	Rs.50,000.00
3	Towards diet and conveyance charges	Rs.20,000.00
4	Loss of income during laid up period	Rs.96,000.00
5	Medical expenses	Rs.12,185.00
6	Loss of future income	Rs.28,80,000.00
	Total	**Rs.31,58,185.00**

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed the KSRTC to deposit the said award amount with interest. Claimant has filed the appeal seeking enhancement of the compensation awarded and the KSRTC has filed the appeal challenging the liability fastened on it.

4. Heard learned counsel for Corporation and learned counsel for claimant.

5. Learned counsel for Corporation would contend that the claimant was driving Autorickshaw bearing registration No. KA-05-AE-7075 and he was not holding Driving License to drive the Autorickshaw and at the time

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

of accident, he was not having the permit to drive the Autorickshaw in Gowribidanuru and he violated the permit and the same has been admitted by the claimant – P.W.1 in his cross-examination. Ex.P.15 – Driving License of the claimant is for Light Motor Vehicle. As per Ex.P.4 – sketch, accident occurred in the middle of the road and therefore there is negligence on the part of the driver of the Autorickshaw. Considering the same, the Tribunal ought to have dismissed the claim petition filed against the KSRTC.

6. Learned counsel for claimant would contend that charge sheet – Ex.P.9 is filed against the driver of the bus for rash and negligent driving and for offence under Sections 279, 338 and 304-A of IPC. The accident occurred on the right side of the road on which the driver of the bus was riding and it clearly indicates the rash and negligent driving by the driver of the bus. Considering the same, the Tribunal has rightly held that the accident occurred due to the rash and negligent driving by the driver of the KSRTC bus. He further submits that claimant

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

was aged 36 years as on the date of accident and he is a driver and the Tribunal has considered his disability at 100% considering the evidence of the Doctor, but, has not awarded future prospects at 40%. The Tribunal has taken the notional income at Rs.16,000/- per month. Claimant is a driver holding driving license to drive Light Motor Vehicle and his income is to be taken higher than the notional income and his income is to be taken at Rs.20,000/- per month as per the decision of Division Bench of this Court in the case of ***Smt. Madevi Manjunath Moger and others Vs. Sri. Manjunath BHeema Gonda and another, MFA No. 2606/2026*** decided on ***30.06.2026***. He further submits that the compensation awarded by the Tribunal towards pain and suffering and loss of amenities is on lower side. With this, he prayed to allow the appeal filed by the claimant.

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

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

8. The following points arise for consideration in these appeals:

I. Whether the Tribunal is justified in fastening the liability on the KSRTC?

II. Whether there are any grounds for enhancement of the compensation awarded by the Tribunal?

9. **REASONS ON POINT No. I :** The accident occurred on 17.10.2023 at 04.30 pm. Claimant was driving his Autorickshaw bearing registration No. KA-05-AE-7075. KSRTC bus bearing registration No. KA-40-F-1123 came and dashed to the Autorickshaw of the claimant. Ex.P.9 is the charge sheet and it is filed against the driver of the bus for rash and negligent driving, for offence under Sections 279, 338 and 304-A IPC. Ex.P.4 is the sketch of the spot of accident and on perusal of Ex.P.4 it is seen that the accident has taken place on the right side of the road on which the bus was moving and on the left side of the road on which the Autorickshaw was moving. That clearly indicates that the bus came to right

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

side and dashed to the Autorickshaw coming on the opposite side, on its proper side, i.e., left side.

10. Ex.P.15 is the Driving License of the claimant to drive Light Motor Vehicle. P.W.1 – claimant has admitted that there is violation of permit. Claimant being a third party, violation of permit has nothing to do with the liability to pay the compensation amount by the KSRTC. Considering the same, the Tribunal has rightly held that the accident occurred due to the sole rash and negligent driving by the driver of the bus. Accordingly, point No. I is answered.

11. **REASONS ON POINT No. II:** The accident occurred on 17.10.2023 and as on the date of accident claimant was aged 36 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier `15'.

12. The Tribunal has taken the income of the claimant at Rs.16,000/- per month which is the notional income. Claimant is a driver holding Driving License to

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

drive Light Motor Vehicle and his income is to be taken higher than the notional income. Therefore, the income of the claimant is taken at Rs.18,000/- per month.

13. Claimant has not challenged the disability taken by the Tribunal at 100%. The Tribunal, even though has taken the disability at 100%, has not added future prospects at 40%. In view of the same, loss of future income due to disability is calculated as under:

18,000 X 12 X 15 X 100% + 40% = Rs.45,36,000/-

14. Considering the injuries sustained by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,00,000/- and loss of amenities in a sum of Rs.50,000/- is just and proper.

15. Claimant was admitted in the hospital for 13 days and therefore, entitled to attendant, conveyance charges, diet and nourishment in a sum of Rs.13,000/- (Rs.1,000 X 13 days) as against Rs.20,000/- awarded by the Tribunal.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

16. Since disability is taken as 100%, claimant is not entitled to loss of income during laid up period in a sum of Rs.96,000/- awarded by the Tribunal.

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

1	Pain and suffering	Rs.1,00,000/-
2	Loss of amenities	Rs.50,000/-
3	Attendant, conveyance charges, food and nourishment	Rs.13,000/-
4	Medical expenses	Rs.12,185/-
5	Loss of future income due to disability	Rs.45,36,000/-
	Total	**Rs.47,11,185/-**

18. Considering the above aspects claimant is entitled to total compensation of Rs.47,11,185/- as against Rs.31,58,185/- awarded by the Tribunal. Accordingly, point No. II is answered.

19. Consequently, claimant is entitled to enhanced compensation of Rs.15,53,000/- with interest at the rate of 6% p.a. from the date of petition till the date of

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

realization. KSRTC is liable to pay the said enhanced compensation with interest.

20. In view of the above, the following;

O R D E R

i. Appeal filed by the KSRTC in MFA No. 1771/2026 is dismissed.

ii. Appeal filed by the claimant in MFA No. 6132/2026 is allowed in part.

iii. Claimant is entitled to enhanced compensation of Rs.15,53,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

iv. KSRTC shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

v. Out of the enhanced compensation 50% shall be released to the claimant and remaining amount shall be kept in Fixed Deposit in the name of claimant with any nationalized/schedule Bank for a period of 3 years.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

vi. Amount in deposit is ordered to be transmitted to the Tribunal.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 52
Ct.sm