HC-KAR

NC: 2026:KHC:61616
MFA No. 3117 of 2026

CNR: KAHC010298512026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3117 OF 2026 (MV-I)

BETWEEN:

SRI. SHAIK SARDAR ALI
S/O IBRAHIM SAB
AGED ABOUT 63 YEARS,
R/AT WARD NO.6, BEHIND MUSLIM HOSTEL
MAREPPA KUNTE, CHINTAMANI
CHIKKABALLAPURA DISTRICT - 563 125.

...APPELLANT

(BY SRI. BHOJARAJA L., ADVOCATE FOR
SMT. BHAGEERATHI L., ADVOCATE)

AND:

THE MANAGING DIRECTOR,
KSRTC, CENTRAL OFFICE
SHANTHINAGAR, K.H.ROAD
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. F.S. DABALI, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 04.11.2025 PASSED IN MVC NO.1183/2022 ON THE FILE OF THE XIV ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER, MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 04.11.2025 passed in MVC No.1183/2022 by XIV Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-10).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent/KSRTC, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injuries sustained by him in a road traffic accident occurred on 11.07.2021 contending that the accident occurred due to

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rash and negligent driving by the driver of KSRTC bus bearing registration No.KA-40-F-1303.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	**Particulars**	**Amount**
1.	Medical expenses	Rs. 2,26,000/-
2.	Pain and sufferings	Rs. 50,000/-
3.	Nourishment and diet food	Rs. 20,000/-
4.	Loss of future earning capacity due to permanent disability	Rs. 6,48,000/-
5.	Loss of amenities	Rs. 50,000/-
	Total	**Rs. 9,94,000/-**

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent/KSRTC to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

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6. Heard the learned counsel for appellant and learned counsel for the respondent/KSRTC.

7. Learned counsel for appellant submits that the claimant has sustained five (05) injuries as per Ex.P6 - Wound Certificate and out of them, four (04) are grievous in nature. There is an injury to the head of the claimant. Considering the injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering and loss of amenities are on lower side. P.W.3 - Doctor who has examined the claimant, assessed his psychological disability and stated that the claimant has sustained a permanent neurological disability at 71% and the Tribunal has erred in taking the disability at 40%. The claimant is unable to move, walk without the help of any person and he is bedridden and on his behalf, his wife has been appointed as his next friend and she has given evidence. The avocation of the claimant is a cab driver and due to injuries, he cannot carry on his occupation of cab driver and therefore the disability is to be taken at 100%.

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On that point, he placed reliance on the decision of the Hon'ble Apex Court in the case of ***R. HALLE vs. RELIANCE GENERAL INSURANCE COMPANY LIMITED*** reported in ***2026 INSC 260.*** With these, he prayed to allow the appeal.

8. Learned counsel for the respondent would contend that, P.W.3 - Doctor is not a treated Doctor. The author of Ex.P24 has not been examined. The disability stated by P.W.3 - Doctor is on higher side. The claimant has only sustained laceration over his head and there are no grounds for enhancement of the compensation awarded by the Tribunal. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for the respondent/KSRTC, the Court has perused the impugned Judgment, Award and trial Court records.

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10. The accident occurred on 11.07.2021 and as on the date of accident, the claimant was aged sixty (60) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '9'.

11. The claimant has sustained the following injuries:

I) Patient semi conscious not responding to oral commands.

II) Lt. eye ptosis present.

III) Mouth deviated to left side.

IV) Ear bleed on (Rt.) side.

V) Lacerated injury (Rt.) parietal region of scalp 1 cm X 1/2 cm.

12. As per Ex.P6 - Wound Certificate, the Doctor who has issued Wound Certificate has opined that injury Nos.I to IV are grievous in nature and injury No.V is simple in nature. Considering the above said injuries, the compensation awarded by the Tribunal towards pain and sufferings in a sum of Rs.50,000/- is enhanced to

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Rs.1,50,000/- and loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.1,20,000/-.

13. The Tribunal based on the documents has rightly awarded medical expenses of Rs.2,26,000/-.

14. The claimant has been admitted in hospital for thirty three (33) days. Considering the same, the claimant is entitled to food, nourishment, attendant and conveyance charges etc. in a sum of Rs.33,000/- (Rs.1,000/- X 33 days) as against Rs.20,000/- awarded by the Tribunal.

15. P.W.3 is a Senior Consultant Neurosurgeon working in Manipal Hospital, Sarjappur Road, Bengaluru and he has examined the claimant for Neurological Disability Assessment. The Doctor has examined him in the Unity Life Line Hospital, Bengaluru for assessing neurological disability. The Doctor has stated that the occupation of the claimant is a cab driver. P.W.3 - Doctor has stated in his evidence that the claimant is unable to

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attend to own bodily needs without assistance and unable to work unassisted. The claimant requires constant nursing, care, attention and he is bedridden. P.W.3 - Doctor has stated that the claimant has sustained neurological disability at 71%. Ex.P24 is a Neurobehavioral and Cognitive Assessment Report issued by Dr. Prathiba Sharan. In the said report, it is stated that the claimant is having cognitive disability at 30% and neurobehavioral disability at 26% and combined cognitive disability and neurobehavioral disability at 47.33%.

16. The Tribunal has appointed the wife of the claimant as a next friend since he is having Neurological Disability. The wife of the claimant has given evidence as P.W.1. Considering the said evidence and occupation of the claimant, the functional disability is to be taken at 100% as against 40% taken by the Tribunal. The Tribunal has rightly taken the notional income at Rs.15,000/- per month and applied multiplier '9'. In view of the same, loss of future income due to disability is calculated as under:

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Rs.15,000/- X 12 X 9 X 100% = Rs.16,20,000/-.

17. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Pain and suffering	Rs. 1,50,000/-
2.	Loss of amenities	Rs. 1,20,000/-
3.	Food, nourishment, attendant and conveyance charges	Rs. 33,000/-
4.	Medical expenses	Rs. 2,26,000/-
5.	Loss of future income due to disability	Rs. 16,20,000/-
	Total	**Rs. 21,49,000/-**

18. The claimant is entitled to total compensation of Rs.21,49,000/- as against Rs.9,94,000/- awarded by the Tribunal with interest.

19. Consequently, the claimant is entitled to enhanced compensation of Rs.11,55,000/- (Rs.21,49,000/- - Rs.9,94,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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20. The Respondent/KSRTC is liable to pay the said enhanced compensation amount with interest.

21. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellant/claimant is entitled to enhanced compensation of Rs.11,55,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

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

iv) Out of enhanced compensation, 50% shall be released to the wife of the claimant and remaining 50% shall be kept in the name of the claimant in Fixed Deposit with Karnataka Bank, High Court branch, Bengaluru for a period of five (05) years and wife of the claimant is permitted to

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withdraw the accrued interest every quarter.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 46