HC-KAR

NC: 2026:KHC:60180
MFA No. 4694 of 2015

CNR: KAHC010324572015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.4694 OF 2015(MV-I)

BETWEEN:

THE DIVISIONAL CONTROLLER KSRTC
CHIKMANGALUR DIVISION,
CHIKMAGALUR
REP BY DIVISIONAL CONTROLLER
HASSAN DIVISION, HASSAN.

BEFORE THIS HON'BLE COURT
THE APPELLANT IS REP. THROUGH
CHIEF LAW OFFICER,
KSRTC, BANGALORE - 560 027.

...APPELLANT

[BY SRI G LAKSHMEESH RAO, ADVOCATE (PH)]

AND:

Digitally signed by ANUSHA V
Location: High Court of Karnataka

B B PRADEEP KUMAR
MAJOR,
S/O BALASUBRAMANYA
HALEBEEDI, BELUR,
HASSAN DISTRICT - 573 201.

...RESPONDENT

[BY SRI JAGADEESH H T., ADVOCATE (PH)]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 9.1.2015 PASSED IN MVC NO.371/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT, BELUR, AWARDING A COMPENSATION OF RS.4,03,000/- FROM THE RESPONDENTS TOGETHER WITH INTEREST @ 9% P.A EXCUDING

FUTURE MEDICAL EXPENSE FROM THE DATE OF PETITION TILL THE DEPOSIT.

THIS APPEAL IS COMING ON FOR *FINAL HEARING*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 09.01.2015 passed by Senior Civil Judge, MACT, Belur in MVC no.371/2014, this appeal is filed.

2. Sri G Lakshmeesh Rao, learned counsel for appellant submitted that this appeal was by KSRTC challenging finding of Tribunal on quantum. Brief facts leading to this appeal as stated are at 9:30 a.m. on 02.11.2013, when claimant was travelling in KSRTC Bus no.KA-18-F-461 from Belur towards Sakaleshpura, driver lost control over it and dashed against tree. In accident, claimant sustained grievous injuries and despite treatment at Government Hospital, Belur and Sanjeevini Hospital, Hassan, he did not recover fully and sustained permanent physical disability and loss of earning capacity. Claiming compensation, he filed claim petition under

Section 166 of Motor Vehicles Act, 1988 (**MV Act**) against KSRTC.

3. On contest, wherein claim petition was opposed on all grounds including disputing disability/loss of earning capacity as well as claim being excessive. Tribunal framed issues and recorded evidence.

4. Claimant along with Dr.Laxmeesha deposed as PWs.1 and 2 and got marked Exhibits P1 to P14. Driver of Bus was examined as RW.1.

5. On consideration, Tribunal held accident occurred due to negligence on part of driver of Bus resulting in grievous injuries to claimant and held claimant was entitled for compensation of Rs.4,03,000/- with interest at 9% p.a. from date of petition till deposit and assessed it as follows:

Compensation towards Pain and suffering	Rs.75,000/-
Compensation towards Medical expenses	Rs.25,000/-
Special Diet, nursing, extra nourishment and conveyance charges	Rs.20,000/-
Attendant Charges	Rs,1,200/-
Compensation towards loss of earning during treatment period	Rs.12,000/-

Compensation towards loss of future earning	Rs.2,44,800/-
Compensation towards loss of amenities	Rs.15,000/-
Compensation towards future medical expenses	Rs.10,000/-
TOTAL	**Rs.4,03,000/-**

6. Aggrieved by quantum of compensation as well as by high rate of interest, appeal is filed.

7. It was submitted, in order to establish injuries, disability/loss of earning capacity sustained, claimant relied on prescriptions, medical bills, case sheet and X-rays marked as Exs.P7 to P14 along with deposition of PW.2. As per claimant, he was admitted to Hospital on 02.11.2013 and discharged on 09.11.2013. However, Ex.P9 - case sheet would indicate overwriting / striking off of date of discharge and no entries in discharge summary upto date of discharge.

8. It was nextly contended that PW.2 stated about claimant having been treated at Government Hospital, Belur and Sanjeevini Hospital, Hassan about which there was no material produced nor claimant had stated about same. Above

discrepancies would render acceptability of deposition of Pws.1 and 2 and on said ground, sought for setting aside of award.

9. Apart from above, it was submitted, rate of interest at 9% p.a. was without assigning any specific reasons and was excessive and on above ground, sought for allowing appeal.

10. On other hand, Sri HT Jagadeesh, learned counsel for respondent-claimant opposed appeal. It was submitted, considering entire material on record, Tribunal had granted just compensation and there was no need for interference. Insofar as first contention about discrepancy in date of discharge, it was submitted, even if there were any discrepancy insofar as date of discharge, same would not materially alter impugned award, especially so, when there was no dispute about occurrence of accident involving Bus belonging to KSRTC and claimant as passenger sustaining grievous injuries, when other treatment records such as prescriptions and medicine purchase bills would duly corroborate claimant's version. Therefore, contention about reduction of compensation on ground of discrepancies would not sustain.

11. Insofar as reduction of rate of interest, learned counsel for claimant fairly conceded for reduction to 6% p.a.

12. Heard learned counsel, perused impugned judgment, award and record.

13. From above only point arising fro consideration is:

"Whether assessment of compensation by Tribunal calls for modification?"

14. Same is answered partly in affirmative for following reasons:

i) Insofar as first contention about discrepancy due to striking off of date of discharge in Ex.P9 and there being no other document about date of discharge would require rejection on two counts. Firstly, prescription and medical bills cover entire duration and secondly, even if date of discharge is advanced, same would not substantially alter assessment of compensation except insofar as incidental expenses.

ii) Next contention is about statement by PW.2 about claimant having taken treatment at Government Hospital, Belur prior to admission and treatment at Sanjeevini Hospital, Hassan. Even same would also not materially affect assessment when there is no dispute about occurrence of accident and claimant sustaining injuries in same.

iii) Insofar higher rate of interest awarded, learned counsel for claimant fairly conceded for reduction to 6% p.a.

15. In view of above, following:

ORDER

i. Appeal is ***allowed in part***, judgment and award dated 09.01.2015 passed by Senior Civil Judge, MACT, Belur in MVC no.371/2014 is ***modified*** only insofar as reducing rate of interest from 9% to **6%**.

ii. Amount in deposit is ordered to be transmitted to Tribunal for disbursement.

iii. Insurer to deposit balance amount, if any, within eight weeks.

iv. On deposit, entire compensation with interest is ordered to be released in favour of claimant.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 Sl No.: 19