HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 1766 OF 2019 (MV-I)

BETWEEN:

SRI MANU D.K,
S/O LATE KUMAR,
AGED ABOUT 20 YEARS,
R/O DADIGHATTA VILLAGE,
SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 201.

...APPELLANT

(BY SRI KUMAR H N, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
DC, KSRTC, B.M ROAD,
HASSAN - 573201.

...RESPONDENT

(BY SMT. RADHA B.P, ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 06.06.2018 PASSED IN MVC NO.1064/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC, CHANNARAYAPATNA, 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed challenging the judgment and award dated 06.06.2018 passed in MVC No.1064/2015 by the Motor Accident Claims Tribunal, Channarayapatna (hereinafter referred to as the 'Tribunal' for short).

2. Heard Sri.Kumar.H.N, learned counsel for the appellant and Smt.Radha.B.P, learned counsel appearing for the respondent-Corporation.

3. The contention of the appellant is that the appellant was a minor at the time of accident and considering the said aspect, the Tribunal has awarded global compensation of Rs.50,000/- with interest at the rate of 9% by ignoring the disability assessed by CW.1. Hence, he seeks to re-assess the disability appropriately.

4. Learned counsel for the Corporation supports the judgment and award of the Tribunal and submits that the injured/appellant has not undergone any surgery and CW.1 without any justifiable reason has assessed the

disability at 22% which cannot be accepted as a gospel truth. Hence, she submits that the award of compensation by the Tribunal is just and proper and there is no scope for enhancement. She seeks to dismiss the appeal.

5. I have heard the arguments on both sides and meticulously perused the material available on record.

6. The appellant was aged about 16 years on 30.05.2015 when he met with a road accident. In order to prove the claim, the mother of the appellant was examined as PW.1 and Dr.Abdul Basheer has been examined as CW.1 and got marked documentary evidence. Respondent examined the driver of the bus. The Tribunal awarded global compensation of Rs.50,000/- with interest at the rate of 9% per annum.

7. The perusal of the oral evidence of CW.1 as well as the wound certificate-Ex.P5, discharge summary-Ex.P6 and other medical records indicate that the appellant has sustained Pubic rami fracture right, tenderness chest,

tenderness TL spine and Abrasion right elbow and he was treated conservatively. The records indicate that the appellant was inpatient for a period of 12 days and considering the nature of injury suffered, CW.1 has assessed the disability at 22%.

8. The Hon'ble Supreme Court in the case of ***Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr.*** reported in ***2025 ACJ 1986*** has held that the Tribunal and Courts are required to assess the compensation by assessing the income of the injured notionally by considering the minimum wages.

9. Taking note of the enunciation of law laid down by the Hon'ble Supreme Court, I am of the considered view that the income of the injured is required to be assessed notionally by placing reliance on the notional income chart prepared by the Karnataka State Legal Services Authority and accordingly income is assessed at Rs.9,000/-. Having re-assessed the income, the

compensation is also required to be re-assessed appropriately and the same is re-assessed as under:

Sl. No	Description	Amount
1	Loss of future income due to disability (Rs.9,000 x 12 x 18 x 22%)	Rs.4,27,680
2	Pain and suffering	Rs.40,000
3	Food, nourishment, conveyance and attendant charges	Rs.20,000
4	Loss of amenities	Rs.40,000
5	Loss of income of the parents while in the treatment period (Rs.9,000 x 3)	Rs.27,000
6	Medical expenses	Rs.15,235
Total		**Rs.5,69,915**

10. In the result, I proceed to pass the following:

ORDER

(i) Appeal is ***allowed in part***.

(ii) The impugned judgment and award of the Tribunal is modified to an extent that the claimant would be entitled to a total compensation of Rs.5,69,915/- as against Rs.50,000/- awarded by the Tribunal.

(iii) The enhanced compensation amount shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.

(iv) Respondent-Corporation is directed to deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of 6(six) weeks from the date of receipt of certified copy of this judgment.

(v) The disbursement of the compensation and deposit shall be as per the Tribunal.

(vi) Registry to transmit the records forthwith to the Tribunal.

(viii) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

NS, List No.: 1 Sl No.: 6