HC-KAR

NC: 2026:KHC:59402
MFA No. 4555 of 2021

CNR: KAHC010339652021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 4555 OF 2021

(MV-I)

BETWEEN:

B. BETTAIAH,
S/O LATE BALAGANGAIAH,
HINDU
AGED ABOUT 66 YEARS,
R/OF GULYA VILLAGE,
PURUSHANAHALLI POST,
MADURE HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI. T. C. SATHISHKUMAR., ADVOCATE)

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

AND:

THE MANAGING DIRECTOR,

K.S.R.T.C.,
BENGALURU CENTRAL DIVISION,
TRANSPORT HOUSE,
SHANTHINAGAR,
BENGALURU – 560 017.

…RESPONDENT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 26.03.2021, PASSED IN MVC.NO.5166/2019, ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, M.A.C.T., COURT OF SMALL CAUSES AT BENGALURU (SCCH-18), 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 S RACHAIAH

CNR: KAHC010339652021

ORAL JUDGMENT

The appellant is before this Court being aggrieved by the judgment and award dated 26.03.2021 passed in MVC.No.5166/2019 on the file of the III Additional Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-18).

Brief facts of the case:

2. On 09.05.2019 at about 11.30 am, the appellant and another were proceeding in a motorcycle from Shivagange. On reaching near Hanumanthapura, there was a U-turn, the appellant was crossing the road cautiously, however, a KSRTC bus bearing registration No.KA-06-F-1183 driven by its driver with high speed and dashed against the motorcycle. The appellant sustained grievous injuries and he was shifted to Government Hospital, Nelamangala. A claim petition was filed before the Tribunal by the appellant and the Tribunal awarded Rs.3,61,203/- to the appellant.

3. The submission of the learned counsel for the appellant is that the Tribunal has committed error not only in considering the future medical expenses and loss of income during laid up period, but also failed to consider the

compensation on different conventional heads. Therefore, the appellant be awarded adequate compensation under different conventional heads on re-appreciating the findings of the Tribunal. Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned counsel for respondent/ Insurance Company submitted that the award passed by the Tribunal is just and proper and the award has to be confirmed by rejecting the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the award passed by the Tribunal, in the instant case, the appellant had sustained, i) partial amputation of right hand across wrist and hand along with the ulnar aspect with comminuted fracture of 2nd metacarpal and displaced fracture of 5th metacarpal bone, ii) Contusion right leg, iii) head injury with traumatic multiple cerebral contusions bilateral sub dural hemorrhage with occipital bone fracture.

6. The Tribunal ought to have awarded adequate compensation on considering all these injuries under the heads

namely, reduced eligibility of work culture due to disability, pain and suffering and loss of amenities. Hence, it is appropriate to enhance the compensation of Rs.25,000/-, Rs.20,000/-, Rs.30,000/-, respectively under the conventional heads stated supra. However, he is not entitled for loss of future income and loss of income during laid up period since he was drawing salary of Rs.55,000/- per month and working as an Assistant Teacher in government school. In the light of the observations made above, I proceed to pass the following:

ORDER

i) Miscellaneous First Appeal is allowed in part.

ii) The judgment and award dated 26.03.2021 passed in MVC.No.5166/2019 on the file of the III Additional Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-18) is modified.

iii) The claimant is entitled to enhanced compensation of Rs.75,000/- with interest at the rate of 6% per annum from the date of this appeal till realisation.

iv) The enhanced compensation amount shall be deposited by the Insurance Company within a period of six weeks

from date of receipt of the certified copy of this judgment.

v) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 55