HC-KAR

NC: 2026:KHC:59701
MFA No. 6059 of 2021

CNR: KAHC010353252020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 6059 OF 2021

(MV-I)

BETWEEN:

MAHADEVAMURTHY G.,
S/O GURUBASAPPA DEVARU,
AGED ABOUT 33 YEARS,
R/A ALANAHALLI VILLAGE AND POST,
HAMPAPURA HOBLI, H. D. KOTE TALUK,
MYSURU DISTRICT.

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

...APPELLANT

(BY SRI. SYED ABDUL SABOOR., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,

RURAL DIVISION K.S.R.T.C.,
BANNIMANTAP,
MYSURU – 570 015.

…RESPONDENT

(BY SRI. D. VIJAYAKUMAR., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.07.2020, PASSED IN MVC.NO.423/2019, ON THE FILE OF THE III ADDITIONAL DISTRICT JUDGE AND M.A.C.T. AT MYSURU, 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: KAHC010353252020

ORAL JUDGMENT

The appellant is before the Court seeking enhancement of compensation being aggrieved by the judgment and award dated 16.07.2020 passed in MVC.No.423/2019 on the file of the III Additional District Judge and MACT, Mysuru.

Brief facts of the case:

2. The petitioner was traveling in a KSRTC bus from Mysuru Maharaja College bus stop to go to his village on 18.02.2019. When the bus reached Gaddige Main Road, Jattihundi Village, the tyre of the bus was burst. Consequently, he suffered injury to his legs and also other parts of the body. He was admitted to Brindavan Hospital for treatment and he has undergone surgery. Therefore, he filed a claim petition before the Tribunal and the Tribunal awarded a compensation of Rs.2,11,089/- with interest at the rate of 6% per annum.

3. The submission of the learned counsel for the appellant is that the award passed by the Tribunal is not in consonance with the evidence on record. The compensation awarded under different heads are not adequate. In fact, the

income of the injured should have been considered as per notional income chart. However, the Tribunal did not consider the same in accordance with law. Hence, the notional income of Rs.14,000/- to be considered as income. The Tribunal has arbitrarily considered the disability at 15%, which is required to be enhanced to 17% accordance with law. Therefore, the appeal may be allowed and compensation is required to be enhanced in accordance with law. Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned counsel for respondent-Insurance Company vehemently justified the judgment and award passed by the Tribunal and prays to dismiss the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the findings of the Tribunal, it is an undisputed fact that the accident had occurred on 18.02.2019 and the appellant was a passenger in the said KSRTC bus. The Tribunal considered the notional income and opined that the appellant is an agriculturist. Therefore, the said notional income is held to be erroneous for the reason that it is not in consonance with the guidelines. Hence, it has to be enhanced

to Rs.14,000/-. In addition to that, the Tribunal has considered the disability as 15%. However, the said conclusion is contrary to the evidence on record. In fact, the injured has suffered partial permanent disability of right lower limb at 21% and left lower limb at 30%. If 1/3rd is considered, it comes to 17%. Therefore, the compensation is required to be enhanced is as follows:

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Pain and suffering	30,000/-	30,000/-
02	Loss of future income (Rs.14,000 X 12 X 16 X 17%)	2,59,200/-	4,56,960/-
03	Medical expenses	22,589/-	22,589/-
04	Incidental Charges: Food, diet, nourishment and transportation charges	10,000/-	10,000/-
05	Loss of amenities	10,000/-	40,000/-
06	Loss of income during treatment (Rs.14,000/- X 3)	4,500/-	42,000/-
07	Future medical expenses	25,000/-	25,000/-
	TOTAL	3,61,089/-	6,26,549/-

6. In the light of the observations made above, I proceed to pass the following:-

ORDER

i) The appeal is *allowed in part.*

ii) The judgment and award dated 16.07.2020 passed in MVC.No.423/2019 on the file of the III Additional District Judge and MACT, Mysuru, is modified, granting compensation of Rs.6,26,549/- (Rupees Six Lakhs Twenty Six Thousand Five Hundred and Forty Nine Only) as against Rs.2,11,089/- awarded by the Tribunal.

iii) The claimant is entitled to entire compensation of Rs.6,26,549/- with interest at the rate of 6% per annum from the date of this appeal till realization. However, the compensation of Rs.25,000/- under the head of future medical expenses will not carry any interest.

iv) The entire compensation amount shall be deposited by the respondent within a period of six

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

v) The Tribunal is directed to release the entire amount in favour of the claimant.

vi) 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.: 14