HC-KAR
NC: 2026:KHC:61250
MFA No. 3698 of 2026
CNR: KAHC010362492026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3698 OF 2026

(MV-I)

BETWEEN:

SUVARNA
W/O CHENNA GOWDA
NOW AGED ABOUT 57 YEARS
R/AT No.300, KALIKA NAGARA
ANDHRDAHALLI, BANGALORE NORTH
VISWANEEDAM. BANGALORE NORTH
BANGALORE-560 091.

...APPELLANT

(BY SRI N R RANGEGOWDA, ADVOCATE)

AND:

THE MANAGING DIRECTOR
KSRTC, 5TH FLOOR
K.H. ROAD, SHANTHINAGAR
BANGALORE-560 027.

...RESPONDENT

(BY SRI F S DABALI, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:25/04/2025 PASSED IN MVC No.655/2024 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE, MOTOR ACCIDENT

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JUDGE, HIGH COURT OF KARNATAKA

CLAIMS TRIBUNAL, BENGALURU (SCCH- ., 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 25.04.2025 passed in MVC No.655/2024 by the XXI Additional Small Cause Judge and Member, MACT, Bengaluru (SCCH-23).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 07.01.2024 contending that the accident occurred due to rash and negligent

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driving of the driver of KSRTC bearing Regn.No.KA-40-F-0788. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Attendant charges, extra nutritious food and conveyance charges	10,500/-
02.	Pain and suffering	50,000/-
03.	Loss of income during laid up period	49,500/-
04.	Medical expenses	1,00,300/-
05.	Loss of future income due to disability	89,100/-
06.	Loss of future amenities and happiness	50,000/-
	Total	**3,49,400/-**

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent/KSRTC to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

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

6. The accident occurred on 07.01.2024 and as on the date of accident the claimant was aged 56 years. Considering the said age of the claimant, the Tribunal has rightly applied '9' multiplier. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- p.m. and the said income is to be taken as against Rs.16,500/- taken by the Tribunal.

7. The claimant has sustained the following injuries:

- SDH in left fronto parieto temporal region.
- SDH in B/L frontal contusions.
- SDH in inter hemispheric fissure and left temporal.
- Hemorrhageic contusions in B/L basi frontal contusion and in the right medial temporal cover.

In view of injuries sustained by claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.50,000/- is enhanced to

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Rs.80,000/- and loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.60,000/-.

8. Considering the injuries sustained by the claimant, the claimant has to take rest atleast for three months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.51,000/- (Rs.17,000 x 3 months) as against Rs.49,500/- awarded by the Tribunal.

9. The claimant has been admitted in the hospital for 07 days and considering the same and the bill produced, the Tribunal has rightly awarded attendant and conveyance charges, food and nourishment in a sum of Rs.10,500/- and medical expenses of Rs.1,00,300/-.

10. PW.3- Doctor is the Neurologist and he has examined the claimant, assessed his disability and stated that the claimant has sustained 10% disability. The said disability is neuro disability, therefore, the entire disability of 10% is to be taken to the whole body. In view of the

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above, the loss of future income due to disability is calculated as under:

Rs.17,000 x 12 x 9 x 10% = Rs.1,83,600/-

11. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Pain and suffering	80,000/-
02.	Loss of amenities	60,000/-
03.	Loss of income during laid up period	51,000/-
04.	Attendant and conveyance charges, food and nourishment etc.	10,500/-
05.	Medical expenses	1,00,300/-
06.	Loss of future income	1,83,600/-
	Total	**4,85,400/-**

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,85,400/- as against Rs.3,49,400/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,36,000/- with interest @ 6% p.a. from the date of petition till realization. The claimant is not entitled to interest for the delay period of 254 days in

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filing the appeal as per order dated 28.09.2026 passed on I.A.1/2026. Respondent/KSRTC is liable to pay the said enhanced compensation with interest.

In view of the above, the following:

ORDER

i) The appeal is allowed in part**.**
ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,36,000/- with interest @ 6% p.a. from the date of petition till realization.
iii) Respondent/KSRTC shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
iv) The appellant/claimant is not entitled to interest for the delay period of 254 days in filing the appeal.
v) The appellant/claimant is entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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