HC-KAR
CNR: KAHC010493212024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO.5950 OF 2024(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.5933 OF 2024(MV-I),

MFA CROSS OBJECTION NO. 63 OF 2025 (MV-I),

MFA CROSS OBJECTION NO. 64 OF 2025 (MV-I)

IN MFA No. 5950/2024

BETWEEN:

GOVARDHANA C @ GOVARDHANA,
S/O CHANDRAHASA,
AGED ABOUT 23 YEARS,
AGRICULTURIST AND BUSINESS,
R/O KAMMATHMARIKUNTE VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT - 577 528.

...APPELLANT

(BY SRI SHIVAKUMARAPPA T.C., ADVOCATE)

AND:

1. M D K.S.R.T.C
   OWNER OF KSRTC BUS,
   BEARING REG NO.KA-42-F-2259,
   RAMANAGARA DIVISION AND DEPO

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K B GEETHA

ARCHAKARAHALLY,
B M ROAD, RAMANAGAR - 562 159.

2. THE MANAGER KSRTC,
INTERNAL SECURITY FUND,
SHANTHINAGARA,
BENGALURU - 560 027.

3. THE MANAGER KSRTC,
CHALLAKERE DEPO, PAVAGADA ROAD,
CHALLAKERE TOWN - 577 528.

…RESPONDENTS

(BY SRI S. RAJASHEKAR, ADVOCATE FOR R1 TO R3)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.12.2022 PASSED IN MVC NO.49/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC AND MACT, CHALLAKERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 5933/2024

BETWEEN:

THIMMAKKA,
D/O THIPPAIAH,
W/O THIMMAIAH,
AGED ABOUT 63 YEARS,
AGRICULTURIST AND MILK BUSINESS,
R/O KAMMATHMARIKUNTE VILLAGE,

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K B GEETHA

CHALLAKERE TALUK,
CHITRADURGA DISTRICT - 577 528.

...APPELLANT

(BY SRI SHIVAKUMARAPPA T.C., ADVOCATE)

AND:

1. M D K.S.R.T.C,
   OWNER OF KSRTC BUS
   BEARING REG NO.KA-42-F-2259,
   RAMANAGARA DIVISION AND DEPO,
   ARCHAKARAHALLY, B M ROAD,
   RAMANAGAR - 562 159.

2. THE MANAGER KSRTC
   INTERNAL SECURITY FUND,
   SHANTHINAGARA,
   BENGALURU - 560 027.

3. THE MANAGER KSRTC,
   CHALLAKERE DEPO,
   PAVAGADA ROAD,
   CHALLAKERE TOWN - 577 528

...RESPONDENTS

(BY SRI S.RAJASHEKAR, ADVOCATE FOR R1 TO R3)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.12.2022 PASSED IN MVC NO.50/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC AND MACT, CHALLAKERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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IN MFA.CROB NO. 63/2025

BETWEEN:

1. THE MANAGING DIRECTOR, KSRTC,
   OWNER OF KSRTC BUS
   BEARING REG NO.KA-42-F-2259,.
   RAMANAGAR DIVISION AND
   DEPO ARCHAKARAHALLY, B M ROAD,
   RAMANAGAR - 562 159.

2. THE CHAIRMEN KSRTC
   INTERNAL SECURITY FUND,
   SHANTHINAGARA,
   BENGALURU - 560 027.

3. THE MANAGER KSRTC,
   CHALLAKERE DEPO,
   PAVAGADA ROAD,
   CHALLAKERE TOWN - 577 528.

   APPELLANTS 1 TO 3
   REPRESENTED BY
   CHIEF LAW OFFICER,
   BENGALURU,
   KSRTC, BENGALURU CENTRAL OFFICE,
   K H ROAD,
   BENGALURU - 560 027.

...CROSS OBJECTORS

(BY SRI S. RAJASHEKAR, ADVOCATE)

AND:

THIMMAKKA,
W/O THIMMAIAH,
AGRICULTURIST AND MILK BUSINESS,

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K B GEETHA

R/O KAMMATHMARIKUNTE VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT - 577 528.

...RESPONDENT

(BY SRI SHIVAKUMARAPPA T.C., ADVOCATE)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.12.2022 PASSED IN MVC.NO. 50/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC AND MACT, CHALLAKERE, AWARDING COMPENSATION OF RS.2,02,760/- WITH INTEREST AT THE RATE OF 6 PERCENT P.A. FROM THE DATE OF PETITION, TILL ACTUAL REALIZATION OF ENTIRE AMOUNT.

IN MFA.CROB NO. 64/2025

BETWEEN:

1. THE MANAGING DIRECTOR, KSRTC,
   OWNER OF KSRTC BUS
   BEARING REG NO.KA-42-F-2259,
   RAMANAGAR DIVISION AND DEPO,
   ARCHAKARAHALLY, B M ROAD,
   RAMANAGAR - 562 159.

2. THE MANAGER KSRTC,
   INTERNAL SECURITY FUND,
   SHANTHINAGARA,
   BENGALURU - 560 027.

3. THE MANAGER KSRTC,
   CHALLAKERE DEPO,

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K B GEETHA

PAVAGADA ROAD,
CHALLAKERE TOWN - 577 528.

APPELLANT NOS.1 TO 3 ARE
REPRESENTED BY ITS
CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICE,
K H ROAD, SHANTHINAGAR,
BENGALURU - 560 027.

...CROSS OBJECTORS

(BY SRI S. RAJASHEKAR, ADVOCATE)

AND:

GOVARDHANA C @ GOVARDHANA,
S/O CHANDRAHASA,
AGED ABOUT 24 YEARS,
AGRICULTURIST AND BUSINESS,
R/O KAMMATHMARIUNTE VILLAGE,
CHALLAKRE TALUK,
CHITRADURGA DISTRICT - 577 528.

...RESPONDENT

(BY SRI SHIVAKUMARAPPA T.C., ADVOCATE)

THIS MFA IS FILED U/O 41 RULE 22 R/W U/W 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.12.2022 PASSED IN MVC NO.49/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC AND MACT, CHALLAKERE, AWARDING COMPENSATION OF RS.4,85,590/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THESE MFA'S AND MFA CROBS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. MFA No.5950/2024 and MFA No.5933/2024 are filed by the respective claimant not being satisfied with the compensation awarded in the Judgment and award dated 21.12.2022 passed in MVC No.49/2021 and MVC No.50/2021 respectively on the file of the Senior Civil Judge, Challakere and MFA CROB No.64/2025 and MFA CROB No.63/2025 are filed by the respondent/KSRTC challenging the quantum and negligence in the judgment and awards pleaded before the Tribunal in these two cases.

2. The parties would be referred with their ranks, as they were before the trial Court for the sake of convenience and clarity.

3. The claimant in MFA No.5950/2024 was the rider and in claimant MFA No.5933/2024 is the pillion rider of the motorcycle bearing registration No.KA-16/EK-5192.

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Both of them have filed respective claim petition under Section 166 of the MV Act praying for compensation in respect of the injuries sustained by respective claimant in the road traffic accident that has taken place on 16.01.2023 at about 3:30 p.m. in front of SRS College, Challakere involving the motorcycle bearing registration No.KA-16/EK-5192 and KSRTC bus bearing registration No.KA-42/F-2259 (in short, 'the offending vehicle').

4. The case of respective claimant in nutshell is that when they were proceeding from Challakere; the offending bus came from back side towards Challakere with great speed rashly and negligently and dashed against the motorcycle and thereby caused the accident. The claimant in both cases has sustained injuries in the accident and have taken treatment in hospitals. Hence, claimed compensation from respondents/KSRTC under different heads.

5. The respondents - KSRTC filed its objection statement in both cases wherein respondents have denied

the contention taken by the respective claimant in both cases. Hence, prayed for dismissal of the petition.

6. After framing separate issues in two cases; after recording evidence in two cases separately and hearing arguments separately; the Tribunal concluded that the claimant in MVC No.49/2021 is entitled for the total compensation of ₹4,85,590/- under following heads:

1	Loss of future income due to functional disability	₹4,07,160/-
2	Medical expenditure	₹23,930/-
3	Pain and suffering	₹10,000/-
4	Incidental expenses like attendant and conveyance charges etc.	₹10,000/-
5	Food and nourishment	₹10,000/-
6	Loss of income during laid up period	₹14,500/-
7	Loss of future amenities	₹10,000/-
	Total	**₹4,85,500/-**

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7. The claimant in MVC No.50/2021 is entitled for the total compensation of ₹2,02,760/- under following heads:

1	Loss of future income due to functional disability	₹1,72,260/-
2	Medical expenditure	₹3,500/-
3	Pain and suffering	₹2,500/-
4	Incidental expenses like attendant and conveyance charges etc.	₹2,500/-
5	Food and nourishment	₹2,500/-
6	Loss of income during laid up period	₹14,500/-
7	Loss of future amenities	₹5,000/-
	Total	**₹2,02,760/-**

8. Not satisfied with the aforesaid compensation, respective claimants have filed these two appeals and the KSRTC has filed MFAs CROB No.63/2025 and No.64/2025 respectively challenging the negligence and quantum.

9. Heard arguments of both sides.

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10. The learned counsel for the claimant in both cases Sri Shivakumarappa T.C., would submit that the claimant in MVC No.49/2021 had sustained fracture of right shaft Femur and fracture of right Shaft of both bones and he was aged 19 years as on the date of accident. The doctor has issued disability Certificate and he was inpatient in the hospital for 16 days. The doctor held that there is 39% disability to the whole body. Considering it, the Tribunal has taken 13% to the whole body which is proper and compensation awarded under the head 'loss of future earning capacity' needs no interference, but he contended that the compensation awarded under other heads is on lower side and prays for enhancement of the same.

11. The learned counsel would further submit that claimant in MVC No.50/2021 had sustained fracture of right Clavicle bone and head injury. She was inpatient only for 5 days. The doctor has issued disability Certificate and she was inpatient in the hospital for 5 days and also

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inpatient in NIMHANS for one day. The doctor held that there is 32% disability to the whole body. Considering it, the Tribunal has taken 11% to the whole body which is proper and compensation awarded under the head 'loss of future earning capacity' needs no interference, but he contended that the compensation awarded under other heads is on lower side and prays for enhancement of the same.

12. The learned counsel would further submit that the KSRTC bus driver was not examined and spot sketch is not produced to substantiate that there is contributory negligence on the part of rider of the motorcycle in causing the accident. On the other hand the KSRTC has satisfied the award. Hence, there is no contributory negligence on the part of rider of the motorcycle in causing the accident. Hence, prayed for allowing the appeals and dismissal of CROBs.

13. The learned counsel for the respondent/KSRTC Sri S. Rajashekar, would submit that the claimant in MVC

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No.50/2021 had sustained fracture of right Clavicle bone and head injury. She was inpatient only for 5 days. Under these circumstances, 32% disability assessed by the doctor is on higher side. Furthermore, the rider of the motorcycle while taking turn to right side to go to their village, dashed against the KSRTC bus and thus there is contributory negligence on his part in causing the accident. Hence, prayed for allowing the CROBs. The compensation awarded by the Tribunal is just and reasonable under other hands. Thus, it requires no interference.

14. Having heard arguments of both sides, verifying the appeal papers and the trial Court record of both cases, the points that arise for consideration are:

1) *"Whether the KSRTC/respondents establish contributory negligence on the part of rider of the motorcycle?*

2) *Whether the claimant in both cases entitled for enhancement of the compensation?"*

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15. The finding of this Court on the above point No.1 is in the '***Negative'*** and point No.2 is in the '***Affirmative'*** for the following:

REASONS

16. The facts established before the Tribunal are that the claimant in MVC No.49/2021 is the rider and the claimant in MVC No.50/2021 was the pillion rider of the motorcycle and while going on the road on left side, the KSRTC bus came from opposite side and dashed against the motorcycle and thereby caused the accident.

17. The contention of the KSSRTC that the rider of the motorcycle intended to take turn on right side to go to their village in the National Highway and because of that the accident occurred. However, when this suggestion is made to the rider, he denied it. No other evidence is produced by the KSRTC to substantiate it. Even the panchanama does not establish it. According to it the accident has taken place on left side of the road if it is

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considered from the side of motorcycle. Furthermore, already the KSRTC has satisfied the award in both cases.

18. The above discussion reveals that KSRTC failed to establish that there is contributory negligence on the part of rider in causing the accident.

19. As far as quantum is concerned in MVC No.49/2021, the claimant has sustained fracture of right shaft Femur, fracture of right shaft of Tibia and Fibula. He was inpatient in the hospital for 16 days. The doctor issued disability as per Ex.P.20 and assessed disability at 39% to particular limb. He has faced the cross-examination and nothing was elicited in his cross-examination to disbelieve it. Considering it, the Tribunal has taken the disability as 13% to the whole body and awarded compensation towards 'loss of future earning capacity' by applying relevant multiplier and by taking the notional income of the claimant at ₹15,500/- which requires no interference.

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20. Considering the nature of injuries sustained by the claimant, the compensation awarded under the heads, 'medical expenses', 'incidental expenses', 'food and nourishment' in MVC No.49/2021 is appropriate and requires no interference. The compensation awarded under the head 'pain and sufferings', 'loss of income during laid up period' and 'loss of future amenities' at ₹10,000/-, ₹14,500/- and ₹10,000/- respectively by the Tribunal is on lower side; it shall be enhanced at ₹60,000/-, ₹58,000/- (₹14,500/- x 4) and ₹30,000/- respectively.

21. Thus, the claimant in MVC No.49/2021 is entitled for total compensation of ₹**5,99,090/-** as against **₹4,85,500/-** awarded by the Tribunal under following heads:

1	Loss of future income	₹4,07,160/-
2	Medical expenditure	₹23,930/-
3	Pain and sufferings	₹60,000/-
4	Incidental expenses	₹10,000/-

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5	Food and nourishment	₹10,000/-
6	Loss of income during laid up period	₹58,000/-
7	Loss of future amenities	₹30,000/-
	Total	**₹5,99,090/-**

22. In MVC No.50/2021, the claimant has sustained head injury and also sustained fracture of the right Clavicle bone with Minimal Extra axial bleeding present in right Temporal and Parietal region; referred to NIMHANS, admitted in NIMHANS for treatment. She was in patient in the hospital for 5 days to treat right Clavicle bone. She was aged about 60 years as on the date of accident. Under Ex.P.20-the disability Certificate and in the evidence, the doctor stated that the claimant had suffered disability of 32% to the particular limb. In that regard, the doctor has given evidence that there is stiffness of the right shoulder joint, weakness in the right shoulder and arm and there is Mal-union of fracture of Clavicle right with secondary Osteo Arthritis of the right shoulder and right AC joint and

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that the movements of the right hand were restricted. Hence, he has opined that there is 32% disability to the right limb. Generally, there will not be any disability for fracture of Clavicle bone. However, in this case, the doctor has given clear reasoning in his affidavit evidence that what the fracture was mal-united. Considering this, the appropriate multiplier and proper notional income was taken by the Tribunal which requires no interference.

23. The compensation under other heads are concerned, the Tribunal awarded the compensation at ₹3,500/- towards 'medical expenses' by considering the medical bills which requires no interference. The Tribunal has awarded ₹2,500/- each under 'incidental expenses' and 'food and nourishment' which is on lower side and under these heads together, it shall be ₹10,000/-. The Tribunal has awarded ₹2,500/- towards 'pain and suffering', ₹14,500/- towards 'laid up period' and ₹5,000/- towards 'loss of future amenities' which is on lower side. Under those heads, considering the nature of injuries

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sustained by the claimant, the claimant is entitled for ₹40,000/-, ₹29,000/- and ₹25,000/- respectively.

24. Thus, the claimant in MVC No.50/2021 is entitled for total compensation of ₹**2,79,760/-** as against ₹**2,02,760/-** awarded by the Tribunal under following heads:

1	Loss of future income	₹1,72,260/-
2	Medical expenditure	₹3,500/-
3	Pain and suffering	₹40,000/-
4	Incidental expenses and Food and nourishment	₹10,000/-
5	Loss of income during laid up period	₹29,000/-
7	Loss of future amenities	₹25,000/-
	Total	₹**2,79,760/-**

25. Hence, this Court passes the following:

ORDER

a. MFA No.5950/2024 and MFA No.5933/2024 filed by the respective claimant under Section 173(1) of the Motor Vehicles Act, 1988 are ***allowed in part***.

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b. MFA CROB No.63/2025 and MFA CROB No.64/2025 filed by the respondents - KSRTC are ***dismissed***.

c. Judgment and award dated 21.12.2022 passed in MVC No.49/2021 on the file of the Senior Civil Judge, Challakere is modified holding that the claimant is entitled for additional compensation of ₹**5,99,090/-** as against ₹**4,85,500/-** awarded by the Tribunal.

d. Judgment and award dated 21.12.2022 passed in MVC No.50/2021 on the file of the Senior Civil Judge, Challakere is modified holding that the claimant is entitled for additional compensation of ₹**2,79,760/-** as against ₹**2,02,760/-** awarded by the Tribunal.

e. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.

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f. The respondents/KSRTC shall deposit the compensation amount with accrued interest before the Tribunal within a period of 8 weeks from the date of receipt of certified copy of this judgment.

g. The disbursement and deposit shall be as per the order of the Tribunal.

h. No order as to costs.

i. Draw modified award accordingly.

j. Registry to transmit the TCR to the Tribunal forthwith.

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K B GEETHA

(GEETHA K.B.)
JUDGE

LL
List No.: 1 Sl No.: 25