NC: 2026:KHC:21517
M.F.A. No.9129/2018

HC-KAR

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21ST DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**MISCELLANEOUS FIRST APPEAL NO.9129/2018 (MV-I)**

**BETWEEN:**

NARAYANA
S/O CHENNEGOWDA
AGED ABOUT 40 YEARS
R/AT GINNAHALLI VILLAGE
HUNSUR TALUK
MYSURU DISTRICT.

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADV.,)

**AND:**

THE DIVISIONAL CONTROLLER
KSRTC BANGALORE DIVISION
BANGALORE BRANCH AT
RURAL DIVISION, BANNIMANTAP
MYSURU.

...RESPONDENT

(BY SRI. F.S. DABALI, ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:16.10.2018 PASSED IN MVC NO.700/2016 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES, SENIOR CIVIL JUDGE, MACT, 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 VIJAYKUMAR A. PATIL**

**ORAL JUDGMENT**

This appeal is filed by the injured appellant challenging the judgment and award dated 16.10.2018 passed in MVC.No.700/2016 by the Judge, Additional Court of Small Causes & Senior Civil Judge and MACT, Mysuru (for short 'the Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Heard Sri.Syed Abdul Saboor, learned counsel appearing for the appellant, Sri.F.S.Dabali, learned counsel appearing for the respondent/Corporation and meticulously perused the material available on record.

4. The appellant met with a road accident on 24.01.2016 and sustained grievous injuries including

multiple fractures, as is evident from the oral evidence of PW2, Ex.P5 and P7. The injuries suffered by the appellant are as under:

> *"Superior dislocation of right hip with anterior and posterior acetabular wall fracture, superior and inferior pubic rami fracture left side, lateral endorsement clavicle fracture right side, skin avulsion over penis."*

5. It is to be noticed that the appellant was treated as an inpatient for a period more than 30 days. PW2 assessed the physical and functional disability at 36.4% in respect of a particular limb. Taking the same into consideration, the Tribunal assessed the disability at 12% to the whole body. It is also to be noticed that PW2, in his evidence, has stated that the appellant sustained grievous injuries and that surgical management was undertaken for laceration of penile skin with delayed secondary suturing on 10.02.2016. Having regard to the nature of injuries, including the fracture of the right hip and posterior acetabular wall as well as the injury to the private part, I am of the considered view that the disability is required to

be reassessed on the higher side and the same is reassessed at 14% to the whole body. Further, in the absence of proof of actual income, the income of the appellant is notionally assessed at Rs.9,500/- per month by placing reliance on the notional income chart prepared by the KSLSA. It is not in dispute that the claimant was aged about 40 years at the time of the accident; hence, the appropriate multiplier would be 15, which has been rightly considered by the Tribunal. Having reassessed the income and disability of the appellant/claimant, the appellant/claimant is entitled to compensation under the head of ***loss of future income due to disability*** as under:

9,500/- x 12 x 15 x 14% = ***Rs.2,39,400/-***

6. The Tribunal awarded a sum of Rs.69,000/- towards medical expenses, which is unaltered. However, taking note of the fact that the appellant was an inpatient for a period more than 30 days, underwent treatment for

the aforesaid injures and in light of the oral and documentary evidence, I am of the considered view that the compensation awarded by the Tribunal under other heads is required to be reassessed by appropriately enhancing the same. The appellant is entitled to the modified compensation as under:

| **HEADS** | **AMOUNT (in Rs.)** |
|---|---|
| Pain & suffering | 45,000 |
| Loss of amenities | 40,000 |
| Medical expenses | 69,000 |
| Loss of income during laid-up period (Rs.9,500 X 4) | 38,000 |
| Loss of future income due to disability | 2,39,400 |
| Towards conveyance, attendant charges, food and nourishment | 25,000 |
| **Total** | **4,56,400** |

Thus, the appellant-claimant shall be entitled to total compensation of ***Rs.*4,56,400/-** as against Rs.3,69,400/- awarded by the Tribunal.

7. In the result, this Court proceeds to pass the following:

**ORDER**

a) Appeal stands ***allowed in part***.

b) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to total compensation of ***Rs.*4,56,400/-** as against Rs.3,69,400/- awarded by the Tribunal.

c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.

d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

e) On such deposit, the Tribunal shall release the entire enhanced compensation amount in favour of the appellant.

f) The Registry is directed to transmit the records to the Tribunal forthwith.

g) Draw modified award accordingly.

Sri.F.S.Dabali, learned counsel for the respondent is permitted to file vakalath within three weeks.

**Sd/-**
**(VIJAYKUMAR A. PATIL)**
**JUDGE**

ABK
List No.: 2 Sl No.: 6