HC-KAR

NC: 2026:KHC:60275
MFA No. 6597 of 2024
C/W MFA.CROB No. 20 of 2025

CNR: KAHC010574732024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 6597 / 2024 (MV-I)
C/W
MFA CROSS OBJECTION NO. 20 OF 2025 (MV-I)

IN MFA NO. 6597/2024:

BETWEEN:

1. DIVISIONAL CONTROLLER KSRTC
PUTTUR DIVISION, PUTTUR, DAKSHINA KANNADA
NOW REPRESENTED BY MANAGING DIRECTOR
KSRTC
BENGALURU CENTRAL OFFICE
K.H. ROAD, SHANTHINAGAR
DOUBLE ROAD
BENGALURU-560 027
REP. BY CHIEF LAW OFFICER.

...APPELLANT

(BY SRI. RAJASHEKAR S., ADVOCATE)

AND:

1. SMT. B.J. SHANTHAKUMARI
W/O R. PRATHAP KUMAR
AGED ABOUT 31 YEARS
R/AT BHUVANAGIRI
KUSHALNAGAR
KODAGU-573116.

2. T NATESH
MAJOR
KSRTC BUS DRIVER
R/AT VIDYANAGAR
KUSHALNAGAR, MADIKERI

Digitally Signed By:
K B GEETHA

KODAGU-573 116.

…RESPONDENTS

(BY SRI. JAGADISH BALIGA, ADVOCATE FOR R1;
V/O DATED 15.01.2025, NOTICE TO
R2 DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 07.03.2024 PASSED IN MVC NO.99/2022 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND MACT, KODAGU, AT MADIKERI, AWARDING COMPENSATION OF RS.16,88,711/- WITH INTEREST AT 9 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA.CROB NO. 20/2025:

BETWEEN:

1. SMT. B.J. SHANTHAKUMARI
AGED ABOUT 34 YEARS,
WIFE OF R. PRATHAP KUMAR,
RESIDING AT BHUVANAGIRI,
KUSHALANAGAR-571 234,
KODAGU DISTRICT.

...CROSS OBJECTOR

(BY SRI. JAGADISH BALIGA N., ADVOCATE)

AND:

1. SRI. T. NATESH
AGED ABOUT 58 YEARS
KSRTC BUS DRIVER,
RESIDENT OF VIDYANAGAR,
MADIKERI-571 201,
KODAGU DISTRICT.

2. THE DIVISIONAL MANAGER,
KSRTC, PUTTUR DIVISION,
PUTTUR-574 201,

Digitally Signed By:
K B GEETHA

DAKSHINA KANNADA.

...RESPONDENTS

(BY SRI. RAJASHEKAR S., ADVOCATE FOR R2;
V/O DATED 07.07.2025, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER XLI RULE 22(1) OF THE CPC, 1908 READ WITH SECTION 173(1) OF MOTOR VEHICLE ACT, 1988 AGAINST THE JUDGMENT AND AWARD DATED 07.03.2024 PASSED IN MVC NO.99/2022 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND MACT, KODAGU, MADIKERI, PARTLY ALLOWING THE CALIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL AND MFA CROB, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

MFA No.6597/2024 is filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the appellant/respondent No.2-KSRTC, challenging the quantum of compensation awarded in the judgment and award dated 07.03.2024 in MVC No. 99/2022 on the file of the I Additional District Judge & MACT, Kodagu at Madikeri (in short, 'the Tribunal').

Digitally Signed By:
K B GEETHA

2. MFA CROB No.20/2025 is filed by the claimant not satisfied with the compensation awarded in the aforesaid case.

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

4. The case of the claimant before the Tribunal in nutshell is that on 25.02.2022 at 07:40 a.m. when she was traveling in KSRTC bus bearing Reg.No.KA-19/F-3242 near Kaman gate near Madikeri-Mysuru highway, the rear tyre of the bus suddenly exploded and burst and because of that the claimant sustained grievous injuries and hence, undertook treatment in District Hospital, Madikeri from 25.02.2022 to 02.03.2022. The claimant is working as a qualified staff Nurse at KIMS, Madikeri and getting salary of ₹25,000/- per month, thus claiming compensation from the respondents, who are the driver and the KSRTC.

5. After framing issues, recording evidence and hearing arguments, the Tribunal came to the conclusion

Digitally Signed By:
K B GEETHA

that the claimant has suffered injuries in the road traffic accident and thus, entitled for compensation of ₹16,88,711/- under the following heads:

Sl. No.	Particulars	Amount
1	Towards pain and suffering & loss of amenities in life	₹3,00,000/-
2	Towards medical expenses	₹775/-
3	Towards conveyance	₹10,000/-
4	Towards Boarding and Lodging charges	₹10,000/-
5	Towards Food, nourishment and attendant charges	₹20,000/-
6	Towards loss of future earning capacity due to permanent disability	₹9,99,936/-
7	Towards loss of earning during laid off period	₹2,48,000/-
8	Towards Attendant expenses for present and future	₹1,00,000/-
	Total compensation amount	**₹16,88,711/-**

6. Challenging the said quantum, the KSRTC is before this Court and not satisfied with the quantum of compensation, the claimant is before this Court in the Cross-Objection.

7. Heard the arguments of both sides.

8. The learned counsel for the appellant Sri S Rajashekar would submit that the cross-examination of the claimant establishes that she continued her job in

the hospital and getting the same salary as she was earning before the accident. Thus, there is no functional disability to the claimant. The tribunal has added 40% future prospects to the income of the claimant, which is not required in the case of present nature as the claimant continued her job. Furthermore, the compensation awarded by the Tribunal on all other heads is excessive.

9. The learned counsel for the claimant Sri Jagadish Baliga would submit that as per the evidence of the doctor, there is 45% disability to two limbs i.e. to both legs and the claimant is not in a position to work as she was working earlier and the disability would become more by the lapse of time. Hence, the disability of the claimant shall be taken at 45% and not 15%. The job of the claimant was not permanent. She got appointment only on contract basis. Hence, prayed for enhancement of the compensation.

Digitally Signed By:
K B GEETHA

10. Having heard arguments of both sides, verifying the appeal papers and the trial Court records, the point that arises for consideration is:

"Whether the compensation awarded by the Tribunal requires modification?"

11. Finding of this Court is in ***Affirmative*** for the following:

REASONS

12. The facts established before the trial Court are that the claimant was the inmate of KSRTC bus bearing Reg.No.KA-19/F-3242 on the date of road traffic accident and because of the accident, she sustained Bilateral fracture of Talus of both legs and Medial Malleolus fracture of feet procedure. She was admitted to the hospital on 25.02.2022 and discharged on 02.03.2022. The claimant was working as Staff Nurse in KIMS Hospital, Madikeri, wherein she has taken treatment as inpatient. Her appointment order as per Ex.P.9 establishes that her job

Digitally Signed By:
K B GEETHA

was on contract basis and was getting salary of ₹25,000/-, which includes ₹200/- professional tax. The disability Certificate is also issued by the same hospital as per Ex.P.11. The evidence of PW.1 establishes that she was inpatient in the hospital only for 6 days. She admitted in her cross-examination that even now she continued her job in the same hospital and getting the same salary. She has deposed that she took rest for 10 months, but document is not produced in that regard.

13. PW.2 in his evidence has stated that before the accident, the claimant was working in their hospital but now she is not coming to the hospital. However, in the cross-examination he admitted that he is not having any document to show that she is not attending the hospital and he is not having any information on that point. According to him, the injury is Grade-4-injury type 4 Haw kins-Talus fracture and it is grievous in nature and

Digitally Signed By:
K B GEETHA

because of that the blood circulation at Talus bone would stop and that would increase the disability in future.

14. Considering the evidence of PWs.1 and 2, the Tribunal held that the claimant continued her job. Even then, the Tribunal has taken the income of the claimant at ₹24,800/- per month and added 40% future prospects to it and assessed the disability at 15%.

15. As per the evidence of PW.1, she is working directly under the Medical Dean and her appointment is based on contract basis. Ex.P.9 also speaks the same. Under these circumstances, the job of the claimant is not permanent. The doctor has not deposed that she requires rest for 10 months. But it is only the claimant has deposed that she has taken rest for 10 months. But she has not produced any document to prove that she has taken rest for 10 months and started going to the job only 10 months after the accident. Hence, the compensation awarded

Digitally Signed By:
K B GEETHA

under the head 'loss of earning during laid-up period' at 10 months of salary is exorbitant.

16. The Tribunal has awarded compensation towards 'attendant charges' at ₹1,00,000/-. However, the claimant is attending her job and she does not require any attendant. Hence, 'attendant charges' at ₹1,00,000/- for present and future is exorbitant. The Tribunal has further awarded compensation towards conveyance at ₹10,000/-. The compensation awarded under the head 'pain and sufferings' & 'loss of amenities in life' is also on higher side. Hence, the compensation awarded by the Tribunal is to be modified completely.

17. In the evidence, the doctor deposed that there is Medial Malleolus fracture of both legs, Type-4 Haw kins-Talus fracture. The doctor has not produced the document to support that the fracture is of Type-4 Haw kins to the claimant. The X-ray or any other relevant document is not produced to substantiate the aforesaid contention. As per

Digitally Signed By:
K B GEETHA

the evidence of the claimant she continued her job. There is no such diagnosis in the wound certificate and discharge summary.

18. Thus, the disability assessed by the Tribunal at 15% is proper. However, adding future prospects at 40% is not correct. Hence, towards 'loss of future earning capacity due to disability', the claimant is entitled to **₹7,14,240/-** (₹24,800/- x 12 x 16 x 15%).

19. The claimant is entitled to **₹50,000/-** towards 'pain and suffering'**;** towards 'loss of amenities', **₹50,000/-** and towards 'medical expenses' to **₹775/-** as per the bills produced by the claimant. Towards 'conveyance, food, nourishment and attendant charges', **₹20,000/-** and towards 'loss of income during laid-up period' **₹99,200/-** (₹24,800/- x 4).

Digitally Signed By:
K B GEETHA

20. Thus, the claimant is entitled for total compensation of **₹9,34,215/-** instead of ₹16,88,711/- awarded by the tribunal under the following heads:

Sl. No.	Particulars	Amount
1	Towards loss of future earning capacity due to disability.	₹7,14,240/-
2	Towards pain and suffering.	₹50,000/-
3	Towards loss of amenities.	₹50,000/-
4	Towards medical expenses.	₹775/-
5	Towards conveyance, food, nourishment and attendant charges.	₹20,000/-
6	Towards loss of income during laid-up period	₹99,200/-
	Total compensation	**₹9,34,215/-**

21. Hence, this Court passes the following:

ORDER

a. MFA No.6597 of 2024 filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part***;

b. MFA.CROB No.20/2025 filed by the claimant is ***dismissed;***

Digitally Signed By:
K B GEETHA

c. The claimant is entitled for compensation of **₹9,34,215/-** instead of **₹16,88,711/-** as awarded by the Tribunal;

d. The Tribunal has awarded interest @ 9% which is exorbitant. Always bank rate of interest is to be awarded. Hence, claimant is entitled for interest @ **6%** per annum from the date of petition till date of realization;

e. No order as to costs;

f. Draw modified award accordingly;

g. The amount in deposit be transmitted to the Tribunal;

h. Registry to transmit TCR to the Tribunal forthwith.

Digitally Signed By:
K B GEETHA

(GEETHA K.B.)
JUDGE

SPV
CT:SM
List No.: 1 Sl No.: 21