HC-KAR

NC: 2026:KHC:60545
MFA No. 7578 of 2024

CNR: KAHC010668262024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 7578 OF 2024 (MV-I)

BETWEEN:

THE MANAGING DIRECTOR
K.S.R.T.C., K H ROAD
SHANTHI NAGAR
BENGALURU - 560 027
REPRESENTED BY ITS CHIEF LAW
OFFICER, K.S.R.T.C CENTRAL OFFICER
BANGALORE - 27.

…APPELLANT

(BY SRI. ASHOK KUMAR M, ADVOCATE)

AND:

SRI. SUMANTH G
S/O GOVINDA
AGED ABOUT 18
RESIDING AT HOSAVANAGANDODDI VILLAGE
GANGALU, KASABA HOBLI
KANAKAPURA TALUK,
RAMANAGARA DISTRICT.

…RESPONDENT

(BY SMT. NITYA, ADVOCATE FOR
SRI. PRAKASH M.H, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.01.06.2024 PASSED IN MVC NO.1061/2022 ON THE FILE OF THE IV ADDITIONAL SMALL CAUSES AND ADDITIONAL MACT, BENGALURU, (SCCH-6),

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AWARDING COMPENSATION OF RS.6,59,713/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

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

ORAL JUDGMENT

This is the appeal filed under Section 173 (1) of the Motor Vehicles Act, 1988 (in short 'M.V.Act') by the respondent/KSRTC praying for a reduction of quantum of the compensation and also contended that there is negligence on the part of claimant in causing the accident and there is contributory negligence on his part challenging the judgment and award dated 01.06.2024 passed in MVC No.1061/2022 on the file of the IV Addl. Small Causes and Addl. MACT., Bangalore, (SCCH-6) (in short 'the Tribunal').

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

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3. The case of claimant before the Tribunal in nut shell is that on 18.02.2022 at about 09:45 a.m., when the claimant was getting into the bus at bus stop of Alimaranahalli Village, Kanakapura-Ramanagara Road, the driver of the KSRTC bus bearing registration No.KA-42-F-2029 suddenly moved the bus before he getting into the bus, without seeing that the claimant was getting into the bus and thereby the claimant fell down from the bus and sustained injuries. This is mainly because of rash and negligent driving of the driver of the KSRTC bus. He has taken treatment as inpatient for 3 days in Kaveri Multi Speciality Hospital and he was treated conservatively i.e., he underwent surgery and implants are inserted to the affected bones. He was studying in 10th Standard as on the date of accident, aged about 16 years and could not attend his classes. Hence, claimed compensation under different heads.

4. Respondent-KSRTC appeared through its counsel and filed objections denying the averments made in the claim

petition in toto and further contended that on the date of accident at about 09:45 a.m. at Alimaranahalli Village, the driver of the bus stopped the bus in the bus stop and some passengers were boarded the bus, then the conductor has given signal by closing the back door of the bus; then the driver moved the bus towards Ramanagara slowly and cautiously; at the time, the claimant came running and tried to board the moving bus, fell down from the bus and thus, the accident occurred only due to rash and negligent act of the claimant. Thus, respondent is not liable to pay the compensation.

5. After framing issues, recording evidence and hearing arguments, the tribunal came to the conclusion that the accident occurred due to rash and negligent driving of driver of the bus and there is no contributory negligence on the part of claimant and awarded the total compensation of Rs.6,59,713/- under following heads:

1	Loss of career to the petitioner	:	3,34,800-00
2	Attendant charges,	:	10,000-00

	extra nutritious food & conveyance charges		
3	Pain and suffering	:	75,000-00
4	Loss of income to the parents during hospitalization	:	50,000-00
5	Loss of future amenities & happiness	:	50,000-00
6.	Medical expenses	:	89,913-00
7.	Future Medical expenses	:	50,000-00
	Total		**Rs. 6,59,713-00**

6. Aggrieved by observing that the negligence is entirely on the driver of the bus and on the quantum of compensation, the respondent-KSRTC is before this Court.

7. Heard arguments.

8. The learned counsel for appellant Sri Ashok Kumar M would submit that the driver of the bus is examined as RW.1 who has categorically deposed about the negligence of the claimant but it was not considered by the Tribunal in an appropriate manner. The evidence of the claimant and RW.1 was not appreciated properly. Furthermore, there was fracture of only both bones of the left leg to the claimant; he was inpatient only for 3 days. But the

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Tribunal has awarded compensation exorbitantly on all heads and hence prayed for allowing the appeal.

9. The learned counsel for respondent No.1 Smt. Nithya for Sri Prakash M H, would submit that the claimant could not attend the school for six months and his mother has to quit her job to look after the claimant and the claimant was in rest for a period of six months. Considering these aspects, the Tribunal awarded the compensation which requires no interference.

10. Having heard arguments of both sides, verifying the appeal papers, the points that arise for consideration are:

> *"(i) Whether the appellant establishes that there is contributory negligence on the side of claimant in causing the accident?*
>
> *(ii) Whether modification of compensation is required?"*

11. The finding on the above point No.1 in ***"Negative"*** and point No.2 in ***"Affirmative"*** is as under for the following:

REASONS

12. The facts established before the Tribunal are that in the road traffic accident involving the KSRTC bus, the claimant has sustained injuries and he was taken treatment as inpatient in the hospital for three days. He was aged 16 years at the time of accident. The claimant has sustained two injuries i.e. abrasion and fracture of both bones of left leg. The claimant examined PW.2-doctor who is not the treated doctor. PW.2 has deposed that, there is 30% disability to left lower limb and 10% to the whole body of the claimant. Considering it, the Tribunal has taken 10% disability to the whole body of the claimant, which is proper.

13. The claimant was a student, minor aged about 16 years as on the date of accident. Hence, as it is, there was no income to him, however by placing reliance on the judgment of the Hon'ble Apex Court in ***Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari & Anr[1],*** this Court

[1] ***2025 INSC 1070 decided on 08.08.2025***

holds that the income of claimant shall be taken as the income of a skilled labourer as on the date of accident in this State.

14. The claimant was resident of a village at Kanakapura Taluk, which comes under Zone IV. As claimant was just a student, it is not known that he may opt for which type of employment in future. Hence the income of the claimant shall be taken as the income of a skilled labourer for the employment not covered under any Scheduled Employments. As per Notification No. KAE 18 LMW 2017 dated 30.12.2017 with minimum wages and VDA from 01.04.2021 to 31.03.2022 for skilled labourer in General Employment Not Covered under any Scheduled Employment would be Rs.13,835.30/-. Thus, the income of the claimant shall be taken at Rs.13,835.30 and not Rs.15,500/- as taken by the Tribunal.

15. The age of the claimant as on the date of accident is 16 years. By placing reliance on the judgment of Hon'ble Apex Court in the case of ***National Insurance Company***

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Limited vs. Pranay Sethi case[2], and ***Sarla Verma & Ors vs Delhi Transport Corp.& Anr***[3]***,*** the relevant applicable multiplier shall be '18' to the claimant. Hence, claimant is entitled for **Rs.2,98,842/-**(Rs.13,835.30 x12x18x10/100) under the head 'loss of future earning capacity due to the disability'.

16. The claimant was treated conservatively and he was hospitalized only for three days. Hence, the compensation awarded by Tribunal under the heads 'pain and sufferings', 'loss of future amenities and happiness' and 'loss of income to his parents during hospitalization' is on higher side. Claimant is entitled for Rs.50,000/- towards 'pain and sufferings', Rs.30,000/- towards 'loss of future amenities and happiness' and Rs.15,500/- under the head 'loss of income to the parents during hospitalization', because he was hospitalized only for three days and no material is produced to show that his parents have left the

[2] *(2017) 16 SCC 680 decided on 31.10.2017*
[3] *AIR 2009 SC 3104 decided on 15.04.2009*

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job and looked after him for a period of six months as alleged in the claim petition.

17. As far as attending charges, medical expenses are concerned; the compensation awarded by Tribunal is just and reasonable and requires no interference.

18. As per the evidence of doctor, the implants are to be removed. Hence, the claimant requires future medical expenses. However, the future medical expenses awarded at Rs.50,000/- is on higher side and claimant is entitled for Rs.20,000/- towards future medical expenses.

19. Thus, the claimant would be entitled for compensation under various heads as under:

1	Loss of career to the petitioner	:	2,98,842-00
2	Attendant charges, extra nutritious food & conveyance charges	:	10,000-00
3	Pain and suffering	:	50,000-00
4	Loss of income to the parents during hospitalization	:	15,500-00
5	Loss of future amenities & happiness	:	30,000-00
6.	Medical expenses	:	89,913-00
7.	Future Medical	:	20,000-00

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	expenses		
	Total		**Rs. 5,14,255-00**

20. Hence, the claimant is entitled for total compensation of **Rs.5,14,255/-** as against **Rs.6,59,713/-** awarded by the Tribunal.

21. Hence, this Court passes the following:

ORDER

a. Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part***.

b. Judgment and award dated 01.06.2024 passed in MVC No.1061/2022 on the file of the IV Addl. Small Causes and Addl. MACT, Bangalore (SCCH-6), is modified holding that the claimant is entitled for total compensation of **Rs.5,14,255/-** as against **Rs.6,59,713/-** awarded by the Tribunal.

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

d. Disbursement and deposit shall be as per the order of the Tribunal.

e. No order as to costs.

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f. Draw modified award accordingly.

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

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(GEETHA K.B.)
JUDGE

SSD/List No.: 1 Sl No.: 17