



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6619 OF 2016 (MV-I)

BETWEEN:

SRI PUTTASWAMY M A
S/O ARKESH KUMAR,
AGED ABOUT 23 YEARS,
R/AT E136-10, 2ND & 3RD CROSS,
4TH MAIN ROAD, SOUTH HEGGANAHALLI,
BANGALORE - 560 091.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K T., ADVOCATE)

AND:

1. M/S CHOLAMANDALAM M S
GENERAL INSURANCE CO. LTD.,
T P CLAIMS HUB, GOLDEN HEIGHTS,
6TH FLOOR, (STAR BAZAR BUILDING)
DR. RAJKUMAR ROAD,
NEAR SUJATHA THEATRE,
BANGALORE - 560 010,
REP. BY ITS MANAGER.
2. MR. MANJUNATH R G
MAJOR,
S/O GOVINDAPPA,
R/AT NO. 316, 8TH MAIN,
RAMAYYA LAYOUT, 8TH MILE,
TUMKUR ROAD, NAGASANDRA POST,
T/DASARAHALLI,
BANGALORE - 560 054.
3. THE MANAGING DIRECTOR
KARNATAKA STATE ROAD TRANSPORT
CORPORATION LTD.,





NC: 2026:KHC:12373
MFA No. 6619 of 2016

CENTRAL OFFICE,
SHANTHINAGAR, K.H.ROAD,
BANGALORE - 560 027.

...RESPONDENTS

(BY SRI. H.S. LINGARAJU, ADVOCATE FOR R1,
MR. F.S. DABALI, ADVOCATE FOR R3,
V/O DTD:28.02.2022, NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:5.8.2016 PASSED IN MVC
NO.347/2015 ON THE FILE OF THE 21ST ADDITIONAL SMALL
CAUSES JUDGE, 19TH ACMM, MEMBER, MACT, BENGALURU,
DISMISSING THE CLAIM PETITION FOR COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON
04.02.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT
THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV JUDGMENT

This appeal is filed by the appellant/claimant under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 05.08.2016 passed in MVC
No.347/2015 on the file of the XXI Additional SCJ & XIX ACMM
Member-MACT, Bangalore.

2. Heard the arguments of learned counsel for the
appellant and learned counsel for the respondents. The ranks



of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 22.12.2014 and filed petition before the Tribunal for compensation of Rs.8,00,000/-. The Tribunal considering the entire evidence on record dismissed the petition. Being aggrieved by the said order, this appeal is filed and mainly contended that the petitioner/injured was a passenger travelling in a Mini bus bearing registration No.KA-41-A-6260 from Mysore to Bangalore. The driver of the said mini bus lost control over the vehicle and dashed against the KSRTC bus bearing registration No.KA-40-F-510 from behind. The conductor of the KSRTC bus gave a complaint against the mini bus driver, stating that the accident occurred due to the negligence of the mini bus driver. After investigation, the police registered a case against the mini bus driver and filed a charge sheet. But the Tribunal wrongly concluded that the appellant failed to prove the manner of the accident. The appellant was only a passenger and he cannot contribute to the negligence that caused the accident. The petitioner/injured sustained the



grievous injuries in the said accident. The Tribunal wrongly dismissed the petition and thus, requested for setting aside the order.

4. The petitioner/injured was travelling as a passenger in a bus bearing registration No.KA-41-A-6260. At that time, the driver of the said bus lost control over the vehicle and dashed KSRTC bus bearing registration No.KA-40-F-510 from behind which was going in front of the said mini bus. As a result, he sustained the grievous injuries. The petitioner/injured was working as an Electrician and earning Rs.9,000/- per month.

5. Respondent No.1-Insurance Company contended that the accident occurred due to the negligence of the driver of the KSRTC bus. The petition is bad for non-joinder and mis-joinder of necessary parties, as the owner and insurer of the KSRTC bus alone are necessary and proper parties to the proceedings. Respondent No.2 stated that a false case has been registered against the driver of the mini bus and the said vehicle was insured with Respondent No.1 under a valid policy and the driver was holding a valid and effective driving licence.



6. In the cross-examination of PW.1, it was elicited that no other vehicle was going in front of the mini bus and the KSRTC bus was parked on the left side of the road. This evidence is contradictory to the contents of Ex.P.1-FIR, wherein it is stated that the KSRTC bus was going in front of the mini bus. The Investigating Officer or any other eyewitness was not examined to prove the manner of the accident and the petitioner failed to prove negligence. Therefore, the Tribunal dismissed the petition.

7. The case of the petitioner/injured is that he was travelling in a mini bus and the driver lost control of the vehicle and dashed against the KSRTC bus from behind. But PW.1 also stated that the KSRTC bus was parked on the left side of the road without any signal. The Tribunal observed that there were contradictions between the evidence of PW.1 in cross-examination and the contents of the FIR. Admittedly, the petitioner was a passenger in the mini bus and driver of the mini bus dashed against the KSRTC bus. After investigation, the police filed a charge sheet against the driver of the mini bus. Therefore, the Tribunal failed to properly appreciate the facts



and evidence on record and erroneously dismissed the petition. Hence, the order is liable to be set aside.

8. The petitioner examined the Doctor, who stated that the petitioner/injured was aged 22 years, the accident occurred on 22.12.2014 and he was admitted to the hospital on 23.12.2014. The petitioner sustained fracture of both bones of the left leg and laceration over the left wrist with a foreign body. He was treated with wound dressing, analgesics and antibiotics and A/K POP slab was applied. The petitioner underwent surgery on 25.12.2014, namely CRIF with interlocking nailing of the left tibia under spinal anaesthesia. The X-ray of the left leg, including the knee and ankle joints, revealed a malunited fracture of the left tibia and fibula with implant in situ and reduction of joint space at the ankle joint. The Doctor assessed the permanent disability to the whole body at 20.11%. He further stated that the petitioner requires another surgery for removal of the implants and the estimated cost of the surgery is Rs.25,000/- to Rs.30,000/-. Petitioner stated that he was working as an electrician and earning Rs.9,000/- per month, but he has not filed any income proof,



as the accident occurred in the year 2014, this Court finds it reasonable to take the notional income at Rs.8,500/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. As per Ex.P.4, the age of the petitioner is shown as 36 years. Therefore, the applicable multiplier is '15'. The petitioner sustained a fracture of shaft tibia, which is grievous in nature, as per Ex.P.4-wound certificate. As per Ex.P.5-discharge summary, the following observations were made:

"1. Under spinal anesthesia i) Closed reduction and internal fixation with interlocking nail left tibia
ii. Wound debridement, foreign body (glass piece) removal and suturing left wrist done on 25.12.2014."

Petitioner/injured was admitted to the hospital on 23.12.2014 and discharged on 30.12.2014. Thus, he was treated as an inpatient for 8 days. He has produced medical bills amounting to Rs.69,110/-. Therefore, this Court finds it reasonable to grant a sum of **Rs.69,110/-** towards medical expenses. The Doctor assessed the disability of the limb at



40.23%. Taking $1/3^{\text{rd}}$ of the same, the whole body disability is assessed at 13% ($40.23\% \times 1/3$). Accordingly, the loss of earning capacity comes to at **Rs.1,98,900/-** ($\text{Rs.}8,500 \times 12 \times 15 \times 13\%$). This Court also finds it reasonable to award **Rs.40,000/-** towards pain and suffering, **Rs.20,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. The Petitioner might not have attended any other work at least for a period of four months. Therefore, a sum of **Rs.34,000/-** ($\text{Rs.}8,500 \times 4$) is granted towards loss of income during the laid-up period. PW.2 further stated that the petitioner requires another surgery and the estimated cost of the surgery is between Rs.25,000/- to Rs.30,000/-. Accordingly, this Court finds it reasonable to award a sum of **Rs.25,000/-** towards future medical expenses.

9. Thus in all, compensation awarded by this Court is as below:



Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	40,000/-
2	Towards medical expenses	69,110/-
3	Towards loss of amenities	20,000/-
4	Towards transportation, extra nourishment and attendant charges	30,000/-
5	Towards loss of income during laid up period	34,000/-
6	Towards future medical expenses	25,000/-
7.	Towards loss of earning capacity	1,98,900/-
	Total	4,17,010/-

10. Hence, the appellant-claimant is entitled for a total compensation of Rs.4,17,010/- along with interest at the rate of 6% p.a.

11. In the result, the following order is passed:

ORDER

- i. The appeal is **allowed** in part.
- ii. Respondent No.1-Insurance Company is the insurer of the mini bus, had issued a policy that was in force as on the date of the



accident. Therefore, respondent No.1 is directed to deposit the compensation amount of **Rs.4,17,010/-** along with interest at the rate of 6% per annum within one month from the date of this order.

- iii. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.

SD/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 63