IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE C.M. JOSHI

MISCL. FIRST APPEAL NO.200900/2022(MV-I)

BETWEEN:

RAVIKALA W/O MAHADEVAPPA,
AGE: 32 YEARS, OCC: HOUSEHOLD,
R/O MUDAVAL(K), TQ. JEWARGI,
DIST. KALABURAGI,
NOW RESIDING AT H.NO.10-2/122,
ANAND NAGAR,
KALABURAGI-585 103.

...APPELLANT

(BY SRI SIDRAMREDDY VENKANNA PARADDY, ADVOCATE)

AND:

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

THE MANAGING DIRECTOR,
NEKRTC THROUGH ITS
DIVISIONAL CONTROLLER, NEKRTC,
CENTRAL OFFICE, SARIGE BHAVAN,
OPP. K.B.N. HOSPITAL, MAIN ROAD,
KALABURAGI-585 101.

...RESPONDENT

(BY SRI SHARANABASAPPA M. PATIL, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL AND TO AWARD COMPENSATION OF

RS.13,99,660/- ALONG WITH INTEREST AT 18% P.A. BY MODIFYING THE JUDGMENT AND AWARD DATED 24.11.2021 PASSED BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT AT KALABURAGI, IN MVC NO.98/2019.

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

CORAM: HON'BLE MR. JUSTICE C.M. JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. JOSHI)

This appeal is by the petitioner against the judgment and award dated 24.11.2021 in MVC No.98/2019 passed by the III Addl. Senior Civil Judge and M.A.C.T., Kalaburagi, (for short 'the Tribunal'), seeking enhancement of the compensation.

2. The factual matrix of the case of the petitioner is that on 16.07.2015, while she was traveling in a bus bearing Reg. No.KA-33/F-201 from Mudaval(K) to Shahapur, another bus bearing No.KA-33/F-0140 came from behind and dashed to the bus in which the petitioner was traveling. Due to the impact, the face of the petitioner crashed against the front seat, resulting in injuries to her maxillary bone and loss of teeth. She was taken to the hospital, where she underwent

treatment. She has lost seven teeth and has undergone Root Canal Treatment (RCT) for three teeth and denture has been fixed towards loss of teeth. It is contended that the petitioner being aged about 29 years, homemaker, has to suffer difficulties in her entire life, therefore, she is entitled for compensation.

3. The petition was opposed by the respondent/Corporation contending that the compensation claimed is highly excessive and imaginary. Obviously, the respondent could not have raised any other defence at all, since, both the vehicles involved in the accident belong to the respondent-Corporation.

4. The Tribunal framed appropriate issues and the petitioner was examined as PW1 and the Doctor, who treated her was examined as PW2 and Exs.P1 to P12 were marked in evidence. The driver of the bus was examined as RW1 on behalf of the respondent. After hearing both the sides, the Tribunal has awarded compensation of Rs.2,10,340/- under following heads:

1	Pain and sufferings	Rs.20,000/-
2	Medical expenses	Rs.1,09,340/-
3	Loss of earnings during laid up period	Rs.16,000/-
4	Loss of teeth	Rs.50,000/-
5	Nutritious food and attendant charges	Rs.15,000/-
	Total	Rs.2,10,340/-

5. Aggrieved by the same, the petitioner is in appeal before this Court.

6. Heard learned counsel appearing for the appellant/claimant and learned counsel appearing for the respondent/Corporation.

7. Learned counsel appearing for the petitioner would submit that the testimony of the PW2 and the Disability Certificate issued by him at Ex.P11 would show that the petitioner had lost seven teeth and out of them, three were treated with RCT and for remaining, artificial denture was fixed. It is submitted that petitioner being aged about 29 years has to suffer the said injury for her entire life and according to PW2 there are likely to be complications as the mastication of the

food, and phonetic expressions are affected due to the injuries. It is contended that the compensation awarded by the Tribunal is on the lower side and therefore, there is necessity of re-assessment of the same.

8. *Per contra*, learned counsel appearing for the respondent/Corporation submits that the Tribunal has assessed the compensation appropriately and there is no need for enhancement of the same.

9. A perusal of Ex.P11 coupled with the testimony of the PW2 would disclose that the petitioner had Dental Avulsion with teeth Nos.11 and 21 *i.e.,* upper right Central Incisor and upper left Central Incisor. She was treated with RCT for teeth Nos.12, 22 and 23 *i.e.,* upper Lateral Incisor, upper left Latral Incisor and upper left Canine. She was fixed with metal bridge for replacement of the missing upper Central Incisors. It was also observed that there was Dentoalvelar fracture of Maxillary Bone. He comes to the conclusion that there is permanent physical disability of 15% that would lead to repeated complications with the involved tooth in future and the injury has affected the physical function of mastication of the food

and compromises her esthetics and phonetics. He also states that the approximate expenditure to restore and correct the fractured tooth would be Rs.55,000/-. The photographs of the petitioner produced at Ex.P9 would also reiterate the deposition of the PW2. Ex.P10 – Radiology Report also corroborated with the testimony of the PW2.

10. In the light of the above, this Court is of the considered view that the compensation awarded by the Tribunal under the head of pain and suffering to the extent of Rs.20,000/- needs to be enhanced to Rs.40,000/-.

11. The compensation awarded by the Tribunal at Rs.15,000/- under the heads of nutritious food and attendant's charges also needs to be enhanced to Rs.25,000/-.

12. The Tribunal has not awarded the compensation towards future medical expenses, though the PW2 states so. Accordingly, the petitioner is entitled for future medical expenses of Rs.55,000/- which would not carry any interest.

13. The Tribunal has not awarded any compensation under the head loss of amenities in life. Obviously, there

cannot be any loss of earning on account of the disability stated by the PW2. Therefore, the petitioner has to be adequately compensated under the head of loss of amenities in life. Owing to the disfigurement and phonetic impediment stated by PW2, the petitioner is entitled for a sum of Rs.50,000/- under the head of loss of amenities in life.

14. Further, the disfigurement and the esthetics of the face of the petitioner are also affected. Therefore, the petitioner is entitled for a sum of Rs.25,000/- under the head of disfiguration.

15. The compensation awarded by the Tribunal under remaining heads remain unaltered.

16. Accordingly, the appellant/petitioner is entitled for total compensation of Rs.3,70,340/- as below, against Rs.2,10,340/- awarded by the Tribunal:

Sl. No.	Heads	Award
1	Pain and sufferings	Rs.40,000/-
2	Medical expenses	Rs.1,09,340/-
3	Loss of income during laid up period	Rs.16,000/-

4	Nutritious food and attendant's charges	Rs.25,000/-
5	Loss of amenities in life	Rs.50,000/-
6	Loss of Teeth	Rs.50,000/-
7	Future medical expenses	Rs.55,000/-
8	Disfiguration	Rs.25,000/-
	Total	Rs.3,70,340/-
	Less: Award by the Tribunal	Rs.2,10,340/-
	Enhancement	Rs.1,60,000/-

17. In the result, the appeal deserves to be allowed in part. Hence, the following:

ORDER

(i) The appeal is allowed in part.

(ii) The impugned judgment and award passed by the Tribunal is hereby modified.

(iii) The appellant/claimant is entitled for a sum of Rs.1,60,000/- with interest at the rate of 6% per annum (excluding interest on Rs.55,000/- awarded under the head future medical expenses), from the date of petition till realization, in addition to what has been awarded by the Tribunal.

(iv) The respondent/Corporation is directed to deposit the enhanced compensation along with interest within a period of 06 weeks from the date of receipt of a copy of this judgment.

(v) The rest of the terms and conditions regarding deposit etc., ordered by the Tribunal remain unaltered.

Sd/-
(C.M. JOSHI)
JUDGE

SBS
List No.: 1 Sl No.: 60
CT: AK