



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 100604 OF 2023 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 100542 OF 2023

IN MFA NO.100604/2023

BETWEEN:

THE DIVISIONAL MANAGER
K.S.R.T.C. KOPPALA DIVISION
BY ITS OFFICE AT KOPPALA-583 231.

THROUGH CHIEF LAW OFFICER,
K.K.R.T.C.,
SARIGE SADANA KALBURGI-585 101.

...APPELLANT

(BY SRI M.M. KHANNUR, ADVOCATE)

AND:

1. BOVI SATHYAMMA W/O. LATE VENKATESHAPPA
AGE: 57 YEARS, OCC: HOUSEHOLD WORK,
R/O. KORAVARA ONI, KYASANAKERE VILLAGE,
TQ. KUDLIGI-583 135. DIST. BALLARI.



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C/W MFA No. 100542 of 2023

2. SHRI MALLIKARJUN GADAGI S/O. ANDAPPA
AGE: 53 YEARS,
DRIVER, KSRTC BUS REG.NO. KA-37/F-0760,
KOPPAL DEPOT,
R/O. SOODI VILLAGE,
RONA TALUK-582209, GADAG DISTRICT.

...RESPONDENTS

(BY SRI MANJUNATH G. PATIL, ADVOCATE FOR R1;
NOTICE SERVED TO R2)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD
DATED 16.11.2022 PASSED IN MVC NO.29/2020 ON THE FILE
OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS
TRIBUNAL VI, KUDLIGI AND DISMISS THE CLAIM PETITION IN
INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.100542/2023

BETWEEN:

THE DIVISIONAL MANAGER
K.S.R.T.C. KOPPALA DIVISION,
BY ITS OFFICE AT
KOPPALA-583231.

THROUGH CHIEF LAW OFFICER, K.K.R.T.C.,
SARIGE SADANA,
KALBURGI-585101.

...APPELLANT

(BY SRI M.M. KHANNUR, ADVOCATE)

AND:

1. KOTRAMMA W/O. LATE A. NAGAPPA @ NAGANNA
AGE. 48 YEARS, OCC. HOUSEHOLD WORK,
R/O. AMALAPURA VILLAGE,
NOW R/O. NAYAKARA ONI,
KYASANAKERE VILLAGE,
TQ. KUDLIGI-583135, DIST. BALLARI.



2. VEERESH S/O. LATE A. NAGAPPA @ NAGANNA
AGE. 25 YEARS, OCC. HOUSEHOLD WORK,
R/O. AMALAPURA VILLAGE,
NOW R/O. NAYAKARA ONI,
KYASANAKERE VILLAGE,
TQ. KUDLIGI-583135, DIST. BALLARI.
3. PREMA D/O. LATE A. NAGAPPA @ NAGANNA
AGE. 27 YEARS, OCC. HOUSEHOLD WORK,
R/O. AMALAPURA VILLAGE,
NOW R/O. NAYAKARA ONI, KYASANAKERE VILLAGE,
TQ. KUDLIGI-583135, DIST. BALLARI.
4. BASAMMA W/O. LATE OBAIAH
AGE. 67 YEARS, OCC. HOUSEHOLD WORK,
R/O. AMALAPURA VILLAGE,
NOW R/O. NAYAKARA ONI,
KYASANAKERE VILLAGE,
TQ. KUDLIGI-583135, DIST. BALLARI.
5. SHRI MALLIKARJUN GADAGI S/O. ANDAPPA
AGE. 53 YEARS, DRIVER,
KSRTC BUS REG. NO. KA-37/F-0760,
KOPPAL DEPOT,
R/O. SOODI VILLAGE,
RONA TALUK-582209, GADAG DIST.

...RESPONDENTS

(BY SRI MANJUNATH G. PATIL, ADVOCATE FOR R1 TO R4;
NOTICE SERVED TO R5)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 16.11.2022 PASSED IN MVC NO.34/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL-VI, KUDLIGI AND DISMISS THE CLAIM PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

Appellant-KSRTC has filed these appeals under Section 173(1) of Motor Vehicles Act, 1988 (for short 'M.V. Act') praying for setting aside the common judgment and award passed in MVC No.29/2020 and MVC No.34/2020 on the file of Senior Civil Judge and Member, MACT-VI, Kudligi (for short 'the Tribunal').

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

3. Both claim petitions are filed under Section 166 of MV Act, praying for compensation in respect of death of V. Nagamma D/o Venkateshappa and A. Nagappa alias Naganna in respect of the road traffic accident that had taken place on 10.11.2019 at 12.30 a.m., with the involvement of Tata Ace vehicle bearing registration No.KA-35-C-2964 and KSRTC Bus bearing registration No.KA-37/



F-0760. As a result of the accident V. Nagamma and A. Nagappa died at the spot. Claimants being their dependants have filed both claim petitions claiming compensation under different heads before the Tribunal. In MVC No.29/2020, it is contended that the deceased V.Nagamma was aged about 25 years, unmarried and was doing tailoring work and earning Rs.15,000/- per month and claimant is mother of deceased and depending on the deceased.

4. In MVC No.34/2020, it is averred that the deceased-A.Nagappa was aged about 50 years, working as mason and earning Rs.15,000/- per month and claimants in are the wife, son, daughter and mother of deceased.

5. On service of notice, respondent No.2 in both the petitions appeared through its counsel and filed separate written statements in both petitions, but by taking similar contentions; wherein it denied the place, date, time and nature of accident and further denied the age, income, occupation of the deceased. It took further contention that



the petition is bad for non-joinder of necessary parties i.e., the owner and insurer of the Tata Ace vehicle bearing registration No.KA-35/C-2964 are not made as parties. Hence, prayed for dismissal of petitions.

6. On behalf of claimant in MVC No.29/2020 and claimants in MVC No.34/2020 P.W.1 and P.W.2 were examined, apart from marking Exs.P.1 to P.9 and closed their side. On behalf of respondents, the driver of the vehicle (respondent No.1) is examined as RW.1 and closed their side before the Tribunal.

7. After recording the evidence of both sides, hearing arguments of both sides, the Tribunal came to the conclusion that the accident happened only due to rash and negligent driving of respondent No.1-driver of KSRTC bus; both V.Nagamma and A.Nagappa died due to the said accident and granted compensation to claimants at **Rs.20,83,400/-** and **Rs.12,09,328/-** respectively under the different heads as below :-



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In MVC No.29/2020:

Sl. No.	Description of heads	Amount
1.	Income	Rs.13,250/-p.m.
2.	With Future Prospects	40% of Rs.13,250/- i.e. Rs.5,300/-p.m. Total=Rs.18,550/-p.m.
3.	Deduction towards personal expenses of the deceased	1/2 of Rs.18,550/- =Rs.9,275/- Balance Rs.9,275/-p.m.
4.	Total Income per year	Rs.9,275 x 12 months =Rs.1,11,300/-
5.	Multiplier	18
6.	Loss of dependency	Rs.1,11,300 x 18 M =Rs.20,03,400/-
7.	Loss of estate	Rs.15,000/-
8.	Funeral expenses	Rs.25,000/-
9.	Loss of consortium	Rs.40,000/-
	Total Compensation	Rs.20,83,400/-

In MVC No.34/2020:

Sl. No.	Description of heads	Amount
1.	Income	Rs.13,250/-p.m.
2.	With Future Prospects	10% of Rs.13,250/- i.e. Rs.1,325/-p.m. Total=Rs.14,575/-p.m.
3.	Deduction towards personal expenses of the deceased	1/3 rd of Rs.14,575/- =Rs.4,858/- Balance Rs.9,716/-p.m.
4.	Total Income per year	Rs.9,716 x 12 months =Rs.1,16,592/-
5.	Multiplier	9
6.	Loss of dependency	Rs.1,16,592 x 9 M =Rs.10,49,328/-
7.	Loss of estate	Rs.15,000/-
8.	Funeral expenses	Rs.25,000/-
9.	Loss of consortium (Rs.40,000/- each, 4 persons)	Rs.1,20,000/-
	Total Compensation	Rs.12,09,328/-



8. The appellant - KSRTC has filed these appeals contending that there was negligence on the part of driver of Tata Ace vehicle in causing the accident and hence, prayed for dismissal of the petitions filed by the claimants by allowing both the appeals.

9. Heard learned counsel for appellant Sri M.M.Kannur and learned counsel for respondent No.1 Sri Manjunath G. Patil.

10. Learned counsel for appellant Sri M.M.Kannur would submit that there was head on collision between two vehicles and it is clearly established from the M.V.A. Report wherein the front side of both vehicles were damaged which shows the involvement of Tata Ace vehicle. Hence, at least 50% of contributory negligence is to be saddled on Tata Ace vehicle which is not at all made as party in the petitions. Hence, prayed for allowing the appeal.

11. Learned counsel for respondent No.1 Sri Manjunath G. Patel would submit that there is no material



produced before this Court to show the head on collision between two vehicles. Considering these aspects, the Tribunal has granted the compensation against respondents. Nothing was elicited before the Tribunal to show the contributory negligence on the part of the driver of Tata Ace vehicle, even by examining the driver of KSRTC bus as R.W.1. Hence, prayed for dismissal of both appeals.

12. Having heard the arguments of both sides and verifying the appeal records and also the copies of MVA report and deposition of the witnesses produced before Tribunal, the only point that would arise for consideration is:

“ Whether the appellant-KSRTC would prove that there is contributory negligence on the part of driver of Tata Ace in occurrence of the accident ?

13. Our finding on the above point is in ‘negative’ for the following reasons:



The date, place, time of accident and death of the daughter of claimant in MVC No.29/2020 and husband of claimant No.1 in MVC No.34/2020 is not in dispute.

14. The evidence produced before the Tribunal and the MVA report reveals that the front side of both the vehicles was damaged. Only because there is damage of both vehicles of front side and both vehicles were coming from opposite directions, it cannot be said that there was head on collision between the two vehicles. Except MVA report, no other material is produced to prove these facts. The spot sketch is not produced before the Tribunal.

15. The charge sheet is filed against the driver of KSRTC bus i.e., against RW.1 and he categorically admitted it in his cross-examination.

16. Under these circumstances, when no material is produced before the Tribunal, merely producing copy of the accident report prepared by KSRTC itself cannot be a ground to say that there was head on collision between the



two vehicles. Considering these aspects, the Tribunal has correctly come to the conclusion that the accident happened due to rash and negligent driving of the driver of KSRTC bus and not by the driver of Tata Ace vehicle.

17. Learned counsel for respondents would submit that instead of taking 1/4th deduction towards personal expenses in MVC No.34/2020, the Tribunal has deducted 1/3rd and it is not proper. There is no appeal filed by claimants. Hence, considering these facts would not arise in these appeals.

18. There is no serious allegation that police have not investigated the matter properly and filed charge-sheet only against respondent No.1 and not against driver of Tata Ace vehicle. Under these circumstances, we find that there is no merit in the appeals and the judgment and award of the Tribunal in both cases needs no interference.

19. With the above observations, we proceed to pass the following:



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ORDER

- 1) Both the appeals are dismissed.
- 2) Amount in deposit is ordered to be transmitted to the Tribunal forthwith.
- 3) Pending IAs if any, stands disposed of.
- 4) No order as to costs.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

**HMB
Ct-cmu
LIST NO.: 1 SL NO.: 35**