



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE UMESH M ADIGA**

**MISCELLANEOUS FIRST APPEAL NO. 855 OF 2020 (MV-DM)**

**BETWEEN:**

THE DIVISIONAL CONTROLLER  
KSRTC, KSRTC BUS STAND  
LALBAGH, MANGALURU  
NOW REP. BY CHIEF LAW OFFICER  
CENTRAL OFFICES, K.H. ROAD  
SHANTHNAGARA, BENGALURU - 560 027.

...APPELLANT

(BY SRI. ASHOK NARAYAN NAYAK, ADVOCATE)

**AND:**

1. ANANDA M  
AGE 53 YEARS  
S/O NARAYANA GOWDA  
NO. 7/62, MANJALADY HOUSE  
VITTALKASBA VILLAGE,  
BANTWALA TALUK, DK - 574 211.

2. RAMANA GOWDA GOWDAR  
S/O LATE YELLANA GOWDA,  
AGE 41 YEARS  
GANGOOR HOUSE AND VILLAGE  
CHITTARGI POST, HUNAGUNDA TALUK  
BAGALKOT DISTRICT - 587 118.

...RESPONDENTS

(BY SRI. D. KRISHNAMOORTHY, ADVOCATE FOR R1;  
VIDE ORDER DATED 18.04.2022, NOTICE TO R2 IS  
DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.09.2019 PASSED IN MVC NO.1944/2017 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND MACT, MOTOR ACCIDENT CLAIMS TRIBUNAL AND MANGALURU, DAKSHINA KANNADA, AWARDING COMPENSATION OF RS.1,28,681/-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 MR. JUSTICE UMESH M ADIGA

### **ORAL JUDGMENT**

This appeal is filed by the Corporation challenging the judgment and award dated 30.09.2019 passed by the Motor Accident Claims Tribunal and Principal Senior Civil Judge, Mangaluru, D.K. (for short `Tribunal'), in MVC No.- 1944/2017, seeking modification of compensation.

2. Though appeal is slated for admission, with consent of learned advocates appearing for both the sides, it is taken up for final disposal.



3. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

4. The brief facts of the case are that, on 13.12.2016, at about 7.30 p.m., the petitioner's brother-in-law was driving the vehicle Honda Mobilia Car bearing registration No.KA-19-ME-5284 from Belthangady towards Bantwala. When the said vehicle reached a place called Poyalodi of Navoor Village, Bantwala Taluk, driver of the KSRTC bus bearing registration No.KA-19-F-2723 drove that vehicle in a high speed and rash and negligent manner hit the above car. Due to the impact, the said car had major damage. Soon after the accident his vehicle was lifted to Honda workshop at Derebail Mangaluru and kept for repair for a period of 8 months. The loss assessor and surveyor has assessed damage and submitted a report towards the repair charges and spare parts. Further the Honda workshop estimated the repair charges including the labour charges. The vehicle was insured with the United India Insurance Company. The said company



has paid Rs.4,00,000/- towards repair charges and the balance Rs.1,90,000/- was paid by claimant towards the repair charges. With these reasons, the claimant has prayed for awarding of compensation.

5. Respondent-Corporation denied the averments in the petition and also denied its liability to pay the compensation on the ground that accident occurred due to rash and negligence of driver of the said car. It has also contended that the amount of compensation claimed is highly excessive and prays to dismiss the petition.

6. From the rival contentions of the parties, the Tribunal framed necessary issues, recorded evidence of the parties, heard arguments and by impugned judgment awarded compensation at Rs.1,28,681/- .

7. I have heard the arguments of learned counsel for the both sides.



8. The learned counsel for the appellant vehemently contends that the repair charges / labour charges is around Rs.1,00,000/-, which is highly excessive and exorbitant. There is no supporting material to prove it. Therefore, contends that the amount of compensation awarded is highly excessive.

9. The learned counsel further contends that a criminal matter is registered against the driver of the bus and he has not pleaded guilty and the matter is still pending for consideration. Under these circumstances, the finding of the Tribunal that accident occurred due to rash and negligence of driver of the bus is unwarranted and on that basis, Corporation cannot be made liable to pay the compensation.

10. The Tribunal in the impugned judgment verified the materials available on record and calculated the compensation. PW-2 is the loss assessor and surveyor of the approximate expenditure for repair of the vehicle.



Several photographs are produced before the Court in respect of damage caused to the said vehicle. The loss assessor and surveyor had assessed the approximate expenses for the repair of the vehicle. Thereafter, owner of the vehicle obtained relevant receipts to prove the damage. The owner of the vehicle fairly reported to the Court that he had received Rs.4,00,000/- from the Insurance Company in which the said vehicle was issued and the balance of Rs.1,90,000/- which is said to be excess of the expenses which was not paid by the Insurance Company. The Tribunal in its judgment at paragraph Nos.15 and 16, recorded the same and held that claimant is entitled to Rs.1,28,681/- towards the repair of the vehicle, which was not recovered from the Insurance Company by the owner of the vehicle. Therefore, directed the Corporation to pay the said amount.

11. On the basis of the available materials, the Tribunal has rightly assessed the said amount of



compensation and there is no error in the said findings.  
Accordingly, appeal is ***dismissed***.

12. The findings of the Tribunal is confirmed.  
Whatever amount deposited by the Corporation shall be  
transmitted to the Tribunal for disbursement.

Registry is directed to send back the records along  
with a copy of this judgment to the concerned Tribunal.

**Sd/-**  
**(UMESH M ADIGA)**  
**JUDGE**

JY  
List No.: 1 Sl No.: 13