



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 3758 OF 2020 (MV-D)

BETWEEN:

THE MANAGING DIRECTOR,
APSRTC, RTC HOUSE,
PANDIT NEHRU BUS STAND,
VIJAYAWADA,
ANDHRA PRADESH-522 503.

...APPELLANT

(BY SRI. D.VIJAYKUMAR, ADVOCATE)

AND:

1. SMT. RATHNAMMA
W/O LATE H.ANJAPPA
AGED ABOUT 45 YEARS,
2. SRI. ASHOKA A,
S/O LATE H. ANJAPPA,
AGED ABOUT 28 YEARS,
3. SRI. HARISHA A,
S/O LATE H. ANJAPPA
AGED ABOUT 26 YEARS,

ALL ARE R/AT:
MUNAGANAHALLI VILLAGE,
KALLAHALLI POST,
CHINTAMANI TALUK,
CHIKKBALLAPURA DISTRICT-563 125.

...RESPONDENTS

(R1,R2 AND R3 ARE SERVED AND UNREPRESENTED)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15.07.2019 PASSED IN MVC NO.147/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, CHINTAMANI, AWARDED COMPENSATION OF RS.15,82,000/- WITH INTEREST AT 9 PERCENT P.A. FROM THE DATE OF PETITION TILL THE AMOUNT IS DEPOSITED WITH THE TRIBUNAL.

THIS APPEAL, COMING ON FOR HEARING, 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 against the judgment and award dated 15.07.2019 passed by the Senior Civil Judge and MACT, Chinthamani (for short 'Tribunal'), in MVC No.147/2017, challenging its liability to pay the compensation as well as the quantum of compensation.

2. There is no representation though notice is served to the respondents.

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



4. The brief facts of the case are that on 16.01.2017, the deceased H.Anjappa while riding a motor cycle bearing registration No.KA-07-H-2657 on Kadapa-Bengaluru highway near Kallahalli road met with an accident by involvement of a bus bearing registration No.AP-02-Z-0104 belonging to respondent-APSRTC (for short 'Corporation'). Due to the impact, the said H.Anjappa sustained fatal injuries and succumbed to the injuries. Wife and children of deceased Anjappa filed a claim petition under Section 166 of the Motor Vehicles Act.

5. It is the further case of the claimants that the deceased was aged 45 years and was earning Rs.25,000/- by working as a mason. He was contributing his earnings to the family. Claimants are wife and children of the deceased. With these reasons, they prayed to award compensation of Rs.30,00,000/-.

6. Respondent-Corporation in its written statement denied the petition averments and contended that accident occurred due to negligence of the rider Anjappa and driver of



APSRTC was not at all responsible for the accident. Even if the charge sheet or enclosures are considered his negligence is more than 60 to 70% compared to the driver of the bus. With these reasons prayed t dismiss the petition.

7. The Tribunal framed necessary issues. Recorded the evidence; heard arguments and after appreciating pleadings and evidence held that accident occurred due to negligence of the driver of the bus and awarded compensation of Rs.15,82,000/- by the impugned judgment.

8. The learned counsel for the appellant contended that Tribunal has not properly appreciated the pleadings and evidence on record. The records reveal that deceased himself was responsible for the accident. In the alternative it had occurred due to contributory negligence of deceased and driver of the bus in the ratio of 90:10. Learned counsel for the appellant further contended that as per ration card produced by the claimant at Ex.P9 during the year 2015, the age of the deceased was 45 years. Therefore, as on the date of the accident, he must be aged about 46 to 47 years. The



Tribunal has taken age on the basis of the post mortem report as 45 years. And applied multiplier '14'. He further contends that income of the deceased was taken as Rs.12,000/- per month, which is on the higher side. The claimants were unable to prove his income. Therefore, the Tribunal has to assess the notional income as per the chart prepared by the Karnataka State Legal Services Authority. The Tribunal ought to have taken the notional income as Rs.11,000/- per month. It is also submitted that the Tribunal erroneously awarded interest at the rate of 9% per annum. Normally rate of interest is taken as 6% per annum. Hence, rate of interest shall be reduced. With these reasons, prayed to allow the appeal.

9. The claimant was examined as PW-1 and admittedly he is not an eye-witness to the accident. It is evident that he had no personal knowledge of the manner in which the accident occurred. Though he denied having stated in his complaint, as reflected in Ex.D1, that "when his father was crossing the Kadapa-Bengaluru Road, he met with an accident," the affidavit evidence filed by him (Ex.P2) contains



a clear reference to the same fact, stating that his father met with the accident while crossing the Kadapa-Bengaluru Road.

10. It is not in dispute that driver of the bus has been charge sheeted for causing the accident in question. Ex.P4 shows that the accident occurred after the bus crossed the Kallahalli cross. RW-1 - driver of the bus in his examination-in-chief had stated that deceased drove his two wheeler in a rash and negligent manner and hit the bus from its left side. In his affidavit filed in lieu of his examination-in-chief, at paragraph No.3 he has stated that in spite of applying brakes he could not control the vehicle. The spot of the accident was a cross road. The investigating officer, after recording the evidence of the witnesses as noted in the charge sheet, came to the conclusion that the accident occurred due to the negligence of the bus driver.

11. The serious contention of learned counsel for the appellant is that normally whenever there is collision between the two wheeler and four wheeler then the police



will charge sheet the driver of the four wheeler even though there is negligence of the rider of the two wheeler for causing accident. That sweeping remarks cannot be accepted in all the cases. The Tribunal has considered these facts and held that the accident occurred due to negligence of driver of the bus. It does not call for any interference by this Court.

12. According to the case of the petitioner, deceased was aged about 45 years. They produced post mortem report, which shows that he was aged about 45 years. However, they have produced ration card that he was aged 45 years at the time of applying the ration card on 26.07.2016. It is true that there is no date of birth in the said document, probably on the basis of the declaration of the deceased his age was mentioned as 44 years. On that basis age of the deceased might be more than 45 years at the time of accident. The multiplier applicable in such circumstances is '13' i.e. 46 to 50 years.

13. Learned counsel for the appellant contends that claimants have contended that income of the deceased was



Rs.25,000/- per month. Therefore, the Tribunal ought to have followed the chart of notional income table prepared by Karnataka State Legal Services Authority and assessed the income as Rs.11,000/- per month. However, the Tribunal has taken the income as Rs.12,000/- per month instead of Rs.11,000/- per month. Hence, prays to reduce the same. The said contention is not acceptable. The Tribunal assessed the income on the basis of the judgment of this Court in the case of ***Neeta and others vs. Divisional Manager***¹. Moreover, the chart prepared by Karnataka Legal Services Authority is only a guideline and it is not a mandate that in each and every case it shall be followed. However, normally the said chart is followed by most of the Courts including this High Court to keep uniformity. Therefore, I do not find any reason to interfere with the finding of the Tribunal in respect of the income assessed by the Tribunal.

14. The Tribunal deducted 50% of his income towards personal expenses. Though the claimant No.1 is a widow of the deceased. The claimants have not filed any appeal or

¹ 2015 ACJ 598



they are not aggrieved by the said finding, therefore, there is no need to reconsider the same. Even the Tribunal has not followed the law laid down in the case of ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram***², while awarding compensation under the head 'loss of consortium'. Since there is no appeal against the said award there is no need to reconsider the same.

15. Considering the above said facts compensation under the head loss of dependency has to be reconsidered.

Particulars	Amount in Rs.
Loss of dependency (Rs.12,000+25%x12x13x50%)	11,70,000
Loss of estate	15,000
Funeral expenses	15,000
Loss of consortium	40,000
<i>Total</i>	12,40,000

16. Thus, the claimants are entitled for compensation of Rs.12,40,00/- as against Rs.15,82,000/- awarded by the Tribunal.

² (2018) ACJ 2782



17. Learned counsel for the appellant seriously contends that rate of interest awarded by the Tribunal is 9%, which is on the higher side and it shall be reduced to 6% per annum as normally awarded by the Tribunal.

18. The awarding of interest is at the discretion of the Tribunal. The Court may interfere only if the rate of interest awarded by the Tribunal is unreasonable. Since the rate of interest is not exorbitant or unreasonable, this Court is not inclined to reduce it.

19. For the aforesaid discussions, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 15.07.2019 passed in MVC.No147/2017 passed by the Senior Civil Judge and JMFC, Chintamani, stands modified.
- iii) The claimants are entitled to compensation of Rs.12,40,000/- as against Rs.15,82,000/- with interest at the rate of



9% p.a. on from the date of petition till its realization.

iv) The respondent is liable to deposit the amount within a period of six weeks from the date of award if it is not already deposited.

v) The apportionment, deposit and release etc., are as per the award passed by the Tribunal.

vi) Whatever the amount deposited by the appellant shall be transmitted to the Tribunal.

vii) Draw award accordingly.

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

Sd/-
(UMESH M ADIGA)
JUDGE