



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 5924 OF 2021 (MV-D)

BETWEEN:

DIVISIONAL MANAGER,
NWKSRTC, HUBBALLI DIVISION,
HUBBALLI, REPRESENTED BY ITS
CHIEF LAW OFFICER,
NWKRTC, CENTRAL OFFICES,
GOKUL ROAD, HUBBALLI - 580 021.

...APPELLANT

(BY SRI. F.S. DABALI, ADVOCATE)

AND:

1. YASHODAMMA
W/O LATE RAMESH
AGED ABOUT 44 YEARS
2. G.R. NANDEESH
S/O LATE RAMESH
AGED ABOUT 23 YEARS
3. G.R. DEVIKA
D/O LATE RAMESH
AGED ABOUT 20 YEARS
4. MAHADEVAMMA
MOTHER OF DECEASED RAMESH
W/O LATE NANJUNDAIAH
AGED ABOUT 70 YEARS



ALL ARE R/O GOLENAHALLI VILLAGE
SHANKARANAHALI POST,
KATTAYA HOBLI,
HASSAN TALUK AND DISTRICT - 573 201.

NOW R/O C/O NANJUNDAIAH
MUDANAHALI VILLAGE,
BAGUR HOBLI,
CHANNARAYAPATNA TALUK
HASSAN DISTRICT - 573 116.

...RESPONDENTS

(BY SRI. HALESHA R.G, ADVOCATE R1 TO R4)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.08.2021 PASSED IN MVC
NO.327/2019 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC AT CHANNARAYAPATNA, HASSAN,
AWARDING COMPENSATION OF RS.16,48,648/- WITH
INTEREST AT 9 PERCENT P.A. FROM THE DATE OF PETITION
TILL DEPOSIT.

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 being aggrieved by the judgment and award dated 13.08.2021 passed in MVC No.327/2019 challenging the quantum of compensation awarded by the Tribunal.

2. Parties are referred to as per their rankings before the Tribunal.

3. It is the case of the claimants that, on 12.10.2018 at about 07.30 p.m. the deceased Ramesh met with an accident at Arasikere, due to rash and negligent driving of the bus belonging to the Corporation bearing No.KA-25-F-3304 and sustained grievous injuries and while undergoing treatment, he succumbed to the injuries.

4. The claimants have contended that the deceased was an agriculturist and was also engaged in animal husbandry. He was earning Rs.40,000/- p.m. and maintaining members of his family. He was aged about 50 years. With these reasons, prayed to award the compensation.



5. The Corporation in its written statement denied the petition averments and denied that, accident occurred due to negligence of driver of the bus and on the contrary, it is alleged that deceased himself was responsible for the accident and with these reasons, prayed to dismiss the claim petition.

6. The Tribunal framed necessary issues. It recorded evidence of the parties. After hearing the arguments and appreciating the materials available on record, held that accident occurred due to rash and negligent driving of the bus by its driver. The Tribunal assessed the income of the deceased at Rs.13,000/- p.m., added 10% of his income towards future prospects, deducted $1/3^{\text{rd}}$ of the income since he was married and having 4 dependents in total, applied the multiplier of 13 and awarded the compensation under the head "loss of dependency". The Tribunal by following the law laid down by the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd vs Pranay Sethi*** reported in ***AIR 2017 SC 5157***, awarded compensation under the "conventional heads". The Tribunal also awarded interest at the rate of 9% p.a. The said finding of the Tribunal has been challenged in the present appeal by the



Corporation on the ground that, income taken by the Court is on the higher side and interest awarded on the amount of compensation is also exorbitant and therefore, prayed to reconsider the same.

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

8. Learned counsel for the appellant-Corporation vehemently contended that, claimants were unable to prove the income of the deceased and the Tribunal has assessed the notional income at Rs.13,000/-, without any basis, which is on the higher side. The Tribunal has also awarded more amount of compensation under the head "loss of consortium" and awarded interest at the rate of 9% p.a., which is exorbitant. With these reasons prayed to modify the impugned judgment and, award just and reasonable amount of compensation.

9. Learned counsel for the respondents-claimants supports the impugned judgment and submits that, it does not call for any interference by this Court.



10. The findings of the Tribunal is stated in the above paragraphs. The claimants contended that deceased was earning Rs.40,000/- p.m. from Agriculture as well as Animal Husbandry. The claimants have produced RTC and letter given by Milk Dairy at Ex.P.14 and Ex.P.15. Considering the records available, the Tribunal has assessed the income at Rs.13,000/- which is not excessive or exorbitant requiring interference by this Court. The Tribunal has calculated the compensation by following the guidelines by the Hon'ble Apex Court, laid in ***Pranay Sethi*** (supra). On re-appreciation of the materials available on record, there are no reasons to interfere in the said findings.

11. Awarding of interest is the discretion of the Tribunal. It cannot be interfered unless it is shown that, the said finding on the interest is exorbitant or excessive. Looking at the rate of interest awarded by the Bank on Fixed Deposits, the Tribunal has awarded interest. It does not call for any interference by this Court and there is no merit in this appeal.

12. For the aforesaid discussion, following orders are passed :



ORDER

- i) Appeal is **dismissed** with costs;
- ii) The impugned judgment and award dated 13.08.2021 passed in MVC No.327/2019 by the Court of the Additional Senior Civil Judge and MACT, Channarayapatna, Hassan District, is confirmed.
- iii) Whatever the amount deposited by the appellant shall be transmitted to the claimants.
- iv) Registry is directed to send the TCRs. along with a copy of the judgment to the Tribunal.

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

rs
List No.: 1 Sl No.: 20
CT: BHK