

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 06TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.100327 OF 2016 (MV)

BETWEEN:

THE MANAGING DIRECTOR, KSRTC,
DIVISION, GOKUL ROAD, HOSUR, HUBBALLI,
R/BY ITS MANAGER,
NWKRTC BETAGERI DEPOT,
GADAG DIST.
THE AUTHORIZED SIGNATORY,
CHIEF LAW OFFICER, CENTRAL OFFICES,
GOKUL ROAD, HUBBALLI.

...APPELLANT

(BY SRI. S.C. BHUTI, ADVOCATE)

AND:

BHARAMAPPA SANSHI S/O DURGAPPA
AGE: 61 YEARS, OCC: AGRICULTURE AND BUSINESS,
R/O: HANUMAPUR VILLAGE,
TQ: RANEBENNUR, DIST: HAVERI.

...RESPONDENT

(BY SRI. PRASHANT K. MATHAPATI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT 1988, PRAYING TO ALLOW THIS APPEAL BY SUMMONING THE LOWER COURT RECORDS WITH RESPECT TO AWARD AND JUDGMENT PASSED IN MVC NO.963/2013 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND MACT RANEBENNUR EXAMINE THE SAME AND SET ASIDE THE ORDER DATED 23.09.2015 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 30.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

Digitally signed
by
MOHANKUMAR
B SHELAR

Location: High
Court of
Karnataka,
Dharwad Bench

CAV JUDGMENT

1. This appeal is filed by the appellant–Corporation questioning the judgment and award dated 23.09.2015 passed by the Prl. Senior Civil Judge and MACT, Ranebennur, in MVC No.963/2013, whereby the Tribunal awarded compensation of Rs.86,500/- with interest at 7% per annum from the date of petition till realization.

2. The brief facts leading to the filing of the claim petition are that on 29.03.2013 at about 10.30 a.m., when the claimant was travelling as an authorised passenger in a KSRTC bus bearing registration No.KA-26/F-823 from Betageri towards Davanagere, near Holeitagi village on Holeitagi–Teredahalli road, the driver of the bus drove the vehicle in a rash and negligent manner, resulting in an accident. In the said accident, the claimant sustained injuries and was initially treated at Government Hospital, Guttal and thereafter at Lakshmi Hospital, Ranebennur. The claim petition was filed under Section 166 of the Motor Vehicles Act contending that prior to the accident the claimant was hale and healthy and earning his livelihood through agriculture and business and that due to the injuries sustained in the accident, he suffered pain, disability and loss of income.

3. The respondent–Corporation entered appearance before the Tribunal and filed its statement of objections denying the manner of accident, nature of injuries, income and medical expenses and contending that the accident occurred due to the bad condition of the road.

4. Before the Tribunal, the claimant examined himself as PW-1 and another witness as PW-2 and produced documents at Exs.P1 to P8. The respondent–Corporation did not adduce either oral or documentary evidence.

5. The Tribunal, on appreciation of the evidence on record, held that the accident occurred due to the rash and negligent driving of the KSRTC bus and awarded compensation of Rs.86,500/- with interest at 7% per annum.

6. Learned counsel for the appellant–Corporation contended that the judgment and award passed by the Tribunal is erroneous and excessive. It is specifically urged that the compensation awarded towards pain and suffering at Rs.25,000/- is on the higher side having regard to the nature of injuries and that the Tribunal erred in awarding interest at 7%

per annum, whereas the same ought to have been restricted to 6% per annum.

7. Though the matter is listed for final hearing, none appears for the respondent-claimant. Having regard to the nature of the appeal and the material available on record, the appeal is taken up for consideration on merits.

8. I have carefully considered the submissions of learned counsel for the appellant and perused the records of the Tribunal.

9. The police records at Exs.P1 to P3 clearly establish that the accident occurred due to the rash and negligent driving of the KSRTC bus by its driver. The respondent-Corporation has not placed any rebuttal evidence to support its defence.

10. The Tribunal, on appreciation of the medical evidence placed before it, has recorded a finding that the claimant sustained fracture injury and awarded compensation of Rs.25,000/- towards pain and suffering. Having regard to the age of the claimant, the nature of injury as assessed by the Tribunal and the treatment undergone, the said award towards

pain and suffering cannot be said to be excessive or arbitrary so as to warrant interference in appeal.

11. As regards the contention relating to the rate of interest, it is well settled that the award of interest lies within the discretion of the Tribunal, subject to reasonableness. The interest awarded at 7% per annum from the date of petition till realization, as ordered by the Tribunal, is neither excessive nor contrary to law and is in tune with the prevailing rate of interest adopted by Courts during the relevant period.

12. The compensation awarded under other heads is modest and reasonable and the overall compensation of Rs.86,500/- cannot be termed as excessive.

13. This Court does not find any perversity, illegality or arbitrariness in the judgment and award passed by the Tribunal warranting interference under Section 173 of the Motor Vehicles Act. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) Appeal filed by the appellant–Corporation is dismissed.

- (ii) The judgment and award dated 23.09.2015 passed in MVC No.963/2013 by the Prl. Senior Civil Judge and MACT, Ranebennur, is hereby affirmed.
- (iii) The amount, if any, deposited before this Court shall be transmitted to the Tribunal for disbursement in accordance with law.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

Rsh CT:VP