



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 21075 OF 2013 (MV)

BETWEEN:

1. SMT. G. SUJATHA @ G. SUJATHAMMA
W/O. LATE G.N. MAHANTESHWARAPPA
@ MAHANTESH BHAT,
AGE: 29 YEARS, OCC: HOUSE WIFE,
2. MINOR G. NAGAENDRA
S/O. LATE G.N. MAHANTESHWARAPPA
@ MAHANTESH BHAT,
AGE:14 YEARS, STUDENT,
3. MINOR G. SHIVAPRASAD
S/O. LATE G.N. MAHANTESHWARAPPA
@ MAHANTESH BHAT,
AGE:11 YEARS,

APPELLANT NO.2 AND 3 ARE THE MINORS,
REPRESENTED BY HIS NATURAL MOTHER
I.E APPELLANT NO.1.

ALL ARE R/O. VASALA-VILLAGE,
AMARAPURAM MANDAL
MADAKASIRA-TALUK,
PRESENTLY RESIDING AT,

BHARATHI
H M



Digitally signed by
BHARATHI H M
Location: HIGHCOURT
OF KARNATAKA
DHARWAD BENCH
DHARWAD



1ST CROSS, PARVATHI NAGAR,
BELLARY.

...APPELLANTS

(BY SRI. MANJUNATHA G. PATIL, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
KSRTC BUS BEARING REG. NO.KA-17/F-1030,
DAVANGERE DIVISION, DAVANGERE.

...RESPONDENT

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

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT PRAYING TO CALL FOR THE LOWER COURT RECORDS IN MVC NO.587 /2011 DATED 06/08/2012 ON FILE OF MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL-IIND AT BELLARY; SET ASIDE THE JUDGMENT IN MVC.NO.587/2011 DATED 06-08-2012 AND ALLOW THE CLAIM PETITION FILED BY THE APPELLANTS/PETITIONERS BEFORE THE TRIBUNAL AND CONSIDERED THE COMPENSATION IN MVC NO.587 /2011 MOTOR VEHICLE CLAIMS TRIBUNAL-IIND AT BELLARY, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



ORAL JUDGMENT

The order sheet reveals that since from three hearing dates continuously, learned counsel for the appellants absent.

2. Heard learned counsel for the respondent.

3. This is the appeal filed by the claimants under Section 173(1) of Motor Vehicles Act, 1988 (for short, 'M.V. Act') challenging the judgment and award dated 06.08.2012 in MVC No.587/2011 on the file of M.A.C.T.-II, Ballari (for short 'the Tribunal'), by which the claim petition filed by the claimants was dismissed.

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

5. Claimants have filed claim petition under Section 166 of the M.V. Act praying for compensation in respect of the accidental death of husband of claimant No.1 and father



of claimants No.2 & 3, who was traveling in KSRTC bus bearing Reg.No.KA-17/F-1030 on 12.01.2011, when the said bus met with an accident at 03.15 p.m. on NH-4 from Bengaluru towards Tumkuru.

6. It is the contention of claimants that the husband of claimant No.1 succumbed to the injuries sustained by him in the accident on 17.02.2011 while taking treatment in the hospital. Hence, they have filed claim petition seeking compensation under different heads.

7. After service of notice, the respondent No.2 appeared through its counsel and filed its objection statement, wherein it denied the accident that had taken place on 12.01.2011 due to rash and negligent driving of respondent No.1. It also denied that the deceased G.N. Mahanteshwarappa @ Mahantesh Bhat died due to accidental injuries. It contented that only to avoid the Tractor Bull staying on the middle of the road, the driver of bus has suddenly applied the break and in that process,



Tractor Bull came in contact with the bus and in that process none of the passengers have sustained injuries. Hence, prayed for dismissal of claim petition.

8. On behalf of claimants, claimant No.1 was examined as P.W.1, examined doctor as P.W.2 apart from marking Ex.P.1 to P.159 before the Tribunal. On behalf of respondents, respondent No.1 was examined as R.W.1 apart from marking Ex.R.1.

9. After recording evidence of both sides and hearing arguments of both sides, the Tribunal dismissed the claim petition on the ground that the claimants failed to prove that the death of G.N. Mahanteshwarappa was due to the accidental injuries sustained by him in the road traffic accident that had taken place on 12.01.2011.

10. Aggrieved by the said judgment and award, the appellants-claimants have preferred the present appeal.



11. In the appeal memo, the appellants have taken contention that the deceased G.N. Mahanteshwarappa was traveling in the bus and sustained injuries in the accident and he was taken to the District Hospital, wherein it is observed that G.N. Mahanteshwarappa had suffered mucosal laceration measuring 4x1 cm over inner surface of lower lip and doctor advised him to get surgery and thus the said injury was grievous in nature. Afterwards, on the next day for further treatment he was shifted to Rangadore Memorial Hospital, Bengaluru and then referred to NIMHANS, Bengaluru and then to Manipal Hospital, wherein he succumbed to injuries on 17.02.2011. Hence, the death of G.N. Mahanteshwarappa was due to the accidental injuries sustained by him.

12. Further, the appellants have contended that the Tribunal has not considered the evidence on record and dismissed the claim petition, which is improper and against the sound principles of law. Hence, prayed for allowing the



claim petition by allowing the appeal and to grant compensation.

13. Per contra, learned counsel for the respondent, Sri S.C.Bhuti would submit that G.N. Mahanteshwarappa was suffering from old ailments and because of those ailments he died on 17.02.2011 in Tumkur Hospital and it is observed that he has suffered only a lacerated injury on his lower lip. At any stretch of imagination, the said injury would not lead to death of a person. But because of the old ailments, G.N. Mahanteshwarappa died and it is clear from the discharge summary issued by the hospital as per Ex.P.8. Hence, prayed for dismissal of the appeal.

14. Having heard the arguments of learned counsel for respondent and upon verifying the appeal papers along Trial Court records, the point that would arise for consideration is:

1. Whether the appellants-claimants establish that the death of G.N. Mahanteshwarappa was due



to the accidental injuries sustained in the road traffic accident that had taken place on 12.01.2011 near Sannappanapalya Oordigere Hobli, within the jurisdiction of Kyathasandra Police Station?

15. Finding of this Court on the above point is in '**Negative**' for the following :-

Reasons.

16. The date, time and place of accident that on 12.01.2011 involving KSRTC bus bearing Reg.No.KA-17/F-1030 at 03.15 p.m. while the deceased was traveling from Bengaluru towards Tumakuru is not in dispute.

17. Ex.P.4-MLC register extract reveals that on 12.01.2011 at 3.55 p.m. this G.N.Mahanteshwarappa was examined by the hospital authorities, who came to the hospital with the history of road traffic accident and the doctor found mucosal laceration measuring 4 x 1 cm over the inner surface of the lower lip and TT injection was



prescribed and referred to surgery OPD and medicine OPD for further needful. Hence, according to the Ex.P.4, the only injury sustained by the deceased was laceration over her right lower limb.

18. On 14.01.2011, this Mahanteshwarappa was admitted to Manipal Hospital wherein it was diagnosed that there was chronic liver failure, right fronto temporo parietal sub-acute subdural hematoma, chronic renal failure, hypertension and diabetes mellitus.

19. Ex.P.8 is the case summery. In this document it is stated that patient came to the hospital with the history of headaches since 3 days; prior history of minor trauma 3 days ago; he had an episode of seizure in the ER and post ictal drowsiness; he was initially evaluated at NIMHANS and later referred to MHB for further management and evaluation.

20. Case sheet further reveals that after the treatment given to the patient, after the tests conducted to



the patient, he was shifted to high dependency neurosurgery wards and was managed conservatively on same medications. He was started on chest and limb physiotherapy. During the course of his stay, he developed abdominal distension for which opinion was sorted from Gastro enterologists and his USG abdomen was reported as chronic liver disease with splenomegaly and chronic kidney disease, moderate ascitis with thickening of urinary bladder wall.

21. Case sheet further reveals that on 17.02.2011, he developed sudden bradycardia and desaturation. He was shifted to NSICU and he was put on ventilatory support. He was also started on inotropic support. He continued to be in the same neurological state and the family members were explained about the grave prognosis and minimal chances of survival. On 17.02.2011, at 4:30 PM, he had a sudden episode of bradycardia. His pupils were dilated, fixed and not reacting to light. He was started on CPR, and stat doses of Inj. Adrenaline and Inj. Atropine were given. He was



continued on his regular medications and inotropic support. He continued to be in the same State till 04:45 PM. At 04:50 PM, he had sudden cardiac arrest.

22. Case sheet further reveals that despite all resuscitative measures, he could not be revived and was declared dead on 17.02.2011 at 05:00 PM."

23. The above averments in the case sheet would reveal that the patient was having gastro chronic liver disease with splenomegaly and chronic kidney disease moderate ascitis with thickening of urinary gland. Ultimately he died due to sudden cardiac arrest and there was sudden cardiac arrest and he was declared dead at 05.00 p.m., Certificate of death is also produced along with this case sheet history. These documents establish that G. Mahanteshwarappa was suffering from a kidney problem and was also suffering from chronic liver disease and because of all these ailments, he died on 17.02.2011 at 5.00 p.m.



24. The evidence of Doctor-P.W.2 reveals that he was working at Manipal Hospital, Bengaluru. But, he was not a treated doctor. His name is not forthcoming in the list of treated doctors. Even then, he has given evidence on behalf of the claimants. The doctor in his cross-examination categorically admitted that at the time of Mahanteshwarappa admitted to the hospital, the slip of NIMHANS Hospital, Bengaluru was brought. In that slip, the history is mentioned that the patient had hit to the rod in the bus and sustained injury to his chin and it is also mentioned that he was suffering from blood pressure, diabetes and Kidney problem and he was on dialysis since one year prior to admitting to the hospital.

25. As per the medical records, there was no damage to the head of Mahantheshwarappa when he was traveling in the KSRTC bus. He sustained injury only to his lower lip and not to any other part of the body in the accident. The alleged accident took place on 12.01.2011, whereas the husband of claimant No.1 died on 17.02.2011 i.e. more



than a month after the accident. If there is a nexus between the accident and the death, definitely the claimants are entitled for compensation. However, in the instant case claimants failed to establish said nexus because as discussed above the deceased was suffering from several other chronic diseases like B.P., diabetes, kidney problem and he was having dialysis, etc. Under those circumstances, it cannot be said that because of lacerated injury to the right lower lip of Mahanteshwarappa he died in the accident. Even though the name of P.W.2 is not mentioned in the treated doctor's list, only to assist the claimants, he came to the Court and gave evidence even without summons.

26. All these facts clearly and categorically established that there is no nexus between the accident and the death of G. Mahanteshwarappa. Considering these aspects in a right manner, the Tribunal has dismissed the claim petition, which needs no interference. Accordingly, the



point under consideration is answered in **Negative** and this Court proceeds to pass the following:-

ORDER

Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***dismissed*** by confirming the judgment and award dated 06.08.2012 passed in MVC No.587/2011 by Member, MACT-II, Bellary.

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

SH-up to para 17
HMB- Para 18 to end

CT-MCK
LIST NO.: 1 SL NO.: 3