

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.100112 OF 2016 (MV)

BETWEEN:

THE DIVISIONAL CONTROLLER, KSRTC,
MYSURU DIVISION, MYSURU,
(OWNER AND SELF INSURER OF KSRTC BUS
BEARING REG NO.KA-09/F-3297)
R/BY THE AUTHORIZED SIGNATORY,
CHIEF LAW OFFICER.

...APPELLANT

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

AND:

HANUMAREDDY
S/O KRISHNAPPA HORAKERI,
AGE: 41 YEARS,
OCC: AGRICULTURE AND COOLIE WORK,
R/O:YAREKUPPI VILLAGE,
TQ: RANEBENNUR, DIST: HAVERI.

...RESPONDENT

(BY SRI. LINGARAJ L. RATHOD, ADVOCATE FOR
SRI. SUBHASH J. BADDI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT 1988, PRAYING TO ALLOW THIS APPEAL BY SUMMONING THE LOWER COURT RECORDS WITH RESPECT TO AWARD AND JUDGMENT PASSED IN MVC NO.139/2014 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND MACT, RANEBENNUR, EXAMINE THE SAME AND SET ASIDE THE ORDER DATED 05.09.2015 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 29.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

Digitally signed
by
MOHANKUMAR
B SHELAR
Location: High
Court of
Karnataka,
Dharwad Bench

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

CAV JUDGMENT

This appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, by the appellant-Corporation calling in question the judgment and award dated 05.09.2015 passed in MVC No.139/2014 on the file of the Principal Senior Civil Judge and MACT, Ranebennur.

2. The brief facts of the case are that;

The petitioner states that on 28-06-2013 at about 9:45 a.m., he was travelling as a passenger in a KSRTC bus bearing Registration No.KA-09/F-3297, belonging to the respondent-Corporation, proceeding from Gangapur towards Ranebennur on the Haranagiri-Ranebennur Road. It is the case of the petitioner that when the said bus reached near the garden land of Paste, near Ranebennur, the driver drove the bus in a rash and negligent manner, endangering human life, and caused an accident. Due to the said accident, the petitioner sustained grievous injuries and was immediately shifted to the Government Hospital,

Ranebennur, for first-aid treatment and thereafter shifted to Dr.Ullal Clinic, Ranebennur, for further treatment. The petitioner contends that he took treatment for about two months and incurred medical expenses of more than Rs.50,000/-, and that he still requires approximately Rs.20,000/- for future medical treatment. It is further stated that prior to the accident the petitioner was hale and healthy and was earning about Rs.20,000/- per month by doing agricultural and coolie work. The petitioner claims that due to the injuries sustained in the accident he has suffered permanent disability, which has adversely affected his earning capacity and normal life. The petitioner asserts that the accident occurred solely due to the rash and negligent driving of the KSRTC bus by its driver and that the respondent, being the owner and self-insurer of the bus, is liable to compensate him. Hence, the petitioner has filed the claim petition claiming a total compensation of Rs.12,30,000/- with interest at 12% per annum from the date of accident till realization.

3. In pursuance of service of notice, the respondent-Corporation appeared before the Court and filed its written statement, denying all the material averments made in the petition. The respondent denied that the accident occurred due to rash and negligent driving of the offending bus and also denied the nature of injuries, medical expenses, income, and alleged disability of the petitioner. It is contended by the respondent that the driver of the bus was driving the vehicle slowly and cautiously, observing all traffic rules. The respondent further contends that when the bus came near the spot, the petitioner suddenly attempted to get down from the moving bus without any signal or indication, lost balance, fell down, and sustained injuries due to his own negligence. The respondent submits that there was no negligence on the part of the bus driver and that the respondent is not liable to pay any compensation. On these grounds, the respondent sought for dismissal of the petition.

4. In order to substantiate his claim, the petitioner examined himself as PW-1 and examined one witness as

PW-2. The petitioner produced and got marked 20 documents as Ex.P-1 to Ex.P-20. On behalf of the respondent, the conductor of the offending bus was examined as RW-1. The respondent did not produce any documentary evidence in support of its defence.

5. The Tribunal, after appreciating the oral and documentary evidence on record, allowed the claim petition in part and awarded a total compensation of ₹1,54,700/- with interest at the rate of 7% per annum from the date of the petition till realization.

6. Aggrieved by the said judgment and award, the appellant-Corporation has preferred this appeal.

7. Learned counsel for the appellant-Corporation submits that the Tribunal erred in holding the driver of the bus is negligent. He submits that the claimant did not sustain grievous injuries as alleged and that there was no MLC, discharge summary or proof of surgery. He submits that the disability certificate ought not to have been relied upon by the Tribunal. He submits that the Tribunal wrongly

awarded compensation towards loss of income and future loss of income, and that the compensation awarded is excessive and arbitrary. On these grounds, he prays to allow the appeal.

8. Per contra, learned counsel appearing for the respondent-claimant supported the judgment and award and submitted that the Tribunal has rightly relied upon the police records, which clearly establish negligence on the part of the bus driver. It is further submitted that the charge sheet filed against the driver has attained finality and that the Tribunal has already reduced the disability assessed by the doctor by applying settled principles of law. Hence, on these grounds, he prays to dismiss the appeal.

9. Heard the learned counsel appearing for both the parties and perused the material available on record.

10. On perusal of the records, it is evident that the Tribunal has relied upon FIR, complaint, spot mahazar, IMV report and charge sheet to record a finding on negligence. The said documents consistently attribute the cause of the

accident to the rash and negligent driving of the KSRTC bus driver. The appellant has not produced any cogent material to rebut the police records. The charge sheet has not been challenged. Therefore, the finding of negligence recorded by the Tribunal does not call for any interference.

11. With regard to the nature of injuries, Ex.P5 wound certificate discloses fracture of the right humerus and L4 vertebra, which are certified as grievous in nature. Merely because the claimant was treated conservatively and not subjected to surgery, the injuries cannot be termed as simple. The absence of inpatient records or discharge summary is not fatal when medical evidence supports the injuries sustained.

12. Insofar as disability and loss of future earning capacity are concerned, the Tribunal has rightly applied the principles laid down by the Hon'ble Supreme Court in **Raj Kumar v. Ajay Kumar**. The Tribunal has not mechanically accepted the disability assessed by PW-2 and has reduced the same from 40% to 10% after considering the nature of

injuries, treatment taken and the avocation of the claimant. Such an assessment cannot be said to be perverse or arbitrary.

13. The Tribunal has assessed the notional income of the claimant at ₹5,000/- per month for the accident of the year 2013, which is reasonable and in consonance with the income adopted by Courts for the said period. The multiplier of 15 applied considering the age of the claimant is also in accordance with the law laid down by the Apex Court in ***Sarala Varma's*** case. The compensation awarded towards loss of future income at ₹90,000/- is just and proper.

14. The compensation awarded under other heads such as pain and suffering, medical expenses, nourishment and attendant charges, loss of income during the laid-up period and loss of amenities is modest and based on evidence on record. This Court does not find the compensation to be excessive or on the higher side as contended by the appellant.

15. The contention that the Tribunal ought to have referred the claimant to the District Medical Board is without merit, as the Tribunal has already exercised caution by reassessing and substantially reducing the disability.

16. In view of the above discussion, this Court is of the considered opinion that the appellant has failed to make out any valid ground to interfere with the judgment and award passed by the Tribunal. The findings recorded by the Tribunal are based on proper appreciation of evidence and settled principles of law.

17. Accordingly, this court proceed to pass the following:

ORDER

- i) The appeal is dismissed.
- ii) The judgment and award dated 05.09.2015 passed in MVC No.139/2014 by the Principal Senior Civil Judge and MACT, Ranebennur, is hereby confirmed.

- iii) The amount in deposit, if any, shall be transmitted to the Tribunal forthwith.
- iv) The trial court records, if any, shall be transmitted to the Tribunal forthwith.

There shall be no order as to costs.

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

MBS
CT:VP