



CNR: KAHC010049702026

NC: 2026:KHC:39653-DB  
MFA No. 620 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 28<sup>TH</sup> DAY OF JULY, 2026**  
**PRESENT**  
**THE HON'BLE MR. JUSTICE S.G.PANDIT**  
**AND**  
**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**  
**M.F.A. NO. 620 OF 2026 (MV-D)**

**BETWEEN:**

THE MANAGING DIRECTOR,  
KSRTC, DOUBLE ROAD,  
K.H.ROAD, SHANTHINAGAR,  
BENGALURU- 560027.  
(OWNER OF BMTC BUS BEARING  
REG.NO.KA-57-F-4872)

NOW REP. BY THE CHIEF LAW OFFICER  
BMTC BMTC CENTRAL OFFICE,  
K.H.ROAD, SHANTHINAGAR  
BENGALURU - 560027.  
(EARLIER KSRTC HAS BEEN BIFURCATED  
AND RENAMED AS BMTC).

...APPELLANT

Digitally signed by  
NANJUNDACHARI  
Location: High  
Court of Karnataka

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA, ADV.)

**AND:**

1. SMT. G. SHASHI,  
W/O K.R. SHRINIVASA,  
AGED 63 YEARS
2. MEGHASRI. K.S  
D/O K.R.SHRINIVASA,  
AGED ABOUT 32 YEARS
3. SRI. DARSHAN.K.S.  
S/O K.R.SHRINIVASA,  
AGED ABOUT 29 YEARS



CNR: KAHC010049702026

NC: 2026:KHC:39653-DB  
MFA No. 620 of 2026

ALL THE RESPONDENTS ARE  
R/AT NO.225, 11<sup>TH</sup> CROSS,  
1<sup>ST</sup> BLOCK, R.T.NAGAR,  
BENGALURU – 560032.

...RESPONDENTS

(RESPONDENTS SERVED)

THIS APPEAL IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 28.10.2025 PASSED IN MVC NO.3057/2024 ON THE FILE OF THE XXI ADDL. SMALL CAUSE JUDGE AND MACT, BENGALURU (SCCH-23) PARTLY ALLOWING THE COMPENSATION OF RS.28,53,300/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
AND  
HON'BLE DR. JUSTICE K.MANMADHA RAO

### **ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The appellant/KSRTC is before this Court questioning judgment and award dated 28.10.2025 in MVC.No.3057/2024 on the file of the XXI Additional Small Cause Judge and MACT, Bengaluru (SCCH-23) (for short, 'the Tribunal') questioning the quantum of compensation awarded.



CNR: KAHC010049702026

**NC: 2026:KHC:39653-DB**  
**MFA No. 620 of 2026**

2. The respondents are served and unrepresented.

3. Brief facts of the case are that, the respondents – wife and children of deceased K.R.Shrinivasa filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for the accidental death of said K.R.Shrinivasa in a road traffic accident that occurred on 22.03.2024 involving BMTC bus bearing registration No.KA-01-F-4872. It is stated that the deceased was aged about 64 years and was a pensioner, getting a sum of Rs.48,011/- p.m., as pension.

4. In the instant appeal, BMTC is not questioning the manner of accident. However, it is questioning the determination of income and quantum of compensation awarded by the Tribunal.

5. The Tribunal determined the income of the deceased at Rs.48,011/-, the pension amount, deducted 1/3<sup>rd</sup> towards the personal expenses and adapted



CNR: KAHC010049702026

NC: 2026:KHC:39653-DB  
MFA No. 620 of 2026

multiplier of '7' and awarded total compensation of Rs.26,88,600/- towards the head of 'loss of dependency' and awarded total compensation of Rs.28,53,300/- with interest at the rate of 6% p.a., from the date of petition till realization of the entire award under on the following heads:

| Sl. No. | Compensation heads                                                           | Compensation amount    |
|---------|------------------------------------------------------------------------------|------------------------|
| 1       | Towards loss of dependency                                                   | Rs. 26,88,600/-        |
| 2       | Towards loss of consortium to petitioner No.1                                | Rs. 48,400/-           |
| 3       | Towards loss of estate                                                       | Rs. 18,150/-           |
| 4       | Towards transportation of dead body, funeral and obsequies ceremony expenses | Rs. 18,150/-           |
| 5       | Towards loss of filial consortium to petitioner Nos.2 and 3                  | Rs. 80,000/-           |
|         | <b>TOTAL</b>                                                                 | <b>Rs. 28,53,300/-</b> |

6. Heard learned counsel Sri.Dabali Fakkirappa Shidramappa for appellant/KSRTC and perused the appeal papers as well as Trial Court Records.



**CNR: KAHC010049702026**

7. Learned counsel for the appellant would submit that the Tribunal committed a grave error in taking the pension amount of Rs.48,011/- of the deceased as income. Learned counsel would submit that the pension cannot be considered as income of the deceased and as such the Tribunal ought to have assessed the income of the deceased notionally and assessed the income at Rs.16,500/- p.m., in terms of the chart prepared by the Karnataka State Legal Service Authority. Learned counsel in support of his contention, places reliance on the decision of the Hon'ble Apex Court in the case of ***NATIONAL INSURANCE COMPANY LIMITED VS. BIRENDER AND OTHERS (AIR 2020 SC 434)***.

8. On hearing the learned counsel for the appellant and on perusal of the entire material on record including the Trial Court Records, we are not inclined to accept the contention of the case of the appellant/KSRTC.



CNR: KAHC010049702026

NC: 2026:KHC:39653-DB  
MFA No. 620 of 2026

9. The pension is income of the pensioner. Pension is a deferred payment received by the pensioner subsequent to his retirement. Therefore, at any stretch of imagination, it cannot be said that it is not the income at the hands of the pensioner. The judgment in **BIRENDER** (supra) would not assist the appellant/KSRTC in any way. In **BIRENDER** (supra), the Court was considering the question whether the major sons of the deceased who are married and gainfully employed or earning, can claim compensation under the Motor Vehicles Act, 1988 and also the question as to whether the amount receivable by the legal representatives of the deceased under the 2006 Rules is required to be deducted as a whole or only portion thereof. While considering the question as to whether the amount receivable by the legal representatives of the deceased under 2006 Rules requires to be deducted, the Hon'ble Apex Court has categorically held that the amount towards family pension cannot be deducted from claim



CNR: KAHC010049702026

NC: 2026:KHC:39653-DB  
MFA No. 620 of 2026

amount for determination of a just compensation under the Act.

10. For the reasons recorded above, we do not find any merit in the appeal and accordingly appeal stands ***rejected.***

Amount in deposit shall be transmitted to the Tribunal.

**Sd/-  
(S.G.PANDIT)  
JUDGE**

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

NC  
CT:bms  
List No.: 1 Sl No.: 46