



CNR: KAHC010104982021

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NC: 2026:KHC:36105-DB
M.F.A. No.1519/2021
And connected with matter

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.1519/2021 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.2430/2021 (MV-D)

MISCELLANEOUS FIRST APPEAL NO.7125/2021 (MV-D)

MISCELLANEOUS FIRST APPEAL NO.7126/2021 (MV-D)

IN M.F.A. No.1519/2021:

BETWEEN:

1. SMT. BHAVANI
W/O LATE RAKSHITH
AGED ABOUT 24 YEARS.
2. KARNA .R
D/O LATE RAKSHITH
AGED ABOUT 4 YEARS
MINOR REP BY HER MOTHER BHAVANI.
3. SMT. CHIKKAMANNAMMA
W/O MARIYIAIAH
AGED ABOUT 45 YEARS.
4. SRI. MARIYIAIAH
S/O SANNAIAH
AGED ABOUT 56 YEARS.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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ALL ARE R/AT N. BEGUR VILLAGE
ANTHARASANTHE HOBBLI, H D KOTE TALUK
MYSURU DISTRICT.

...APPELLANTS

(BY SRI. SYED ABDUL SABOOR, ADV.,)

AND:

THE MANAGING DIRECTOR
K S R T C, MYSURU RURAL DIVISION
MYSURU 560015.

...RESPONDENT

(BY SRI. B.S. KARTHIKEYAN, ADV., FOR
SMT. RAMYA H.N. ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
CALL FOR THE RECORDS IN MVC NO.1176/2017 ON THE FILE
OF PRL. SMALL CAUSES & SENIOR CIVIL JUDGE AT MYSURU
WHICH WAS DISPOSED OFF ON 28.1.2021 AND TO ENHANCE
THE COMPENSATION AGAINST THE AWARD PASSED BY THE
TRAIL COURT A MEAGRE SUM OF RS.48,41,500/- AS AGAINST
THE AWARD CLAIM BY THE APPELLANT A SUM OF
RS.65,00,000/- AGAINST THE RESPONDENT IN THE INTEREST
OF JUSTICE.

IN M.F.A. NO.2430/2021:

BETWEEN:

1. SMT. SUVARNA
W/O K. MAHADEVA
AGED ABOUT 50 YEARS.
2. K. MAHADEV
S/O KARIYIAIAH
AGED ABOUT 54 YEARS.

BOTH ARE R/AT N. BEGUR VILLAGE
ANTHARASANTHE HOBBLI



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H D KOTE TALUK
MYSURU DISTRICT.

...APPELLANTS

(BY SRI. SYED ABDUL SABOOR, ADV.,)

AND:

THE MANAGING DIRECTOR
KSRTC
MYSURU RURAL DIVISION
MYSURU - 560 015.

...RESPONDENT

(BY SRI. B.S. KARTHIKEYAN, ADV., FOR
SMT. RAMYA H.N. ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS IN MVC NO.1169/2017 ON THE FILE OF PRL. SMALL CAUSES & SENIOR CIVIL JUDGE AT MYSURU WHICH WAS DISPOSED OFF ON 28.1.2021 AND TO ENHANCE THE COMPENSATION AGAINST THE AWARD PASSED BY THE TRAIL COURT A MEAGER SUM OF RS.11,78,500/- AS AGAINST THE AWARD CLAIM BY THE APPELLANT A SUM OF RS.40,00,000/- AGAINST THE RESPONDENT IN THE INTEREST OF JUSTICE

IN M.F.A. NO.7125/2021:

BETWEEN:

THE MANAGING DIRECTOR
KSRTC
MYSURU RURAL DIVISION
MYSURU.

...APPELLANT

(BY SRI. B.S. KARTHIKEYAN, ADV., FOR
SMT. RAMYA H.N. ADV.,)



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AND:

1. SMT. SUVARNA
W/O LATE SRI K. MAHADEV
AGED ABOUT 50 YEARS.
2. SRI. K. MAHADEV
S/O SRI. KARIYIAH
AGED ABOUT 54 YEARS.

BOTH ARE R/OF N. BEGUR VILLAGE
ANTHARASANTHE HOBLI
H D KOTE TALUK
MYSURU DISTRICT.

...RESPONDENTS

(BY SRI. SYED ABDUL SABOOR, ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 28.01.2021 PASSED BY THE MOTOR ACCIDENTS CLAIMS TRIBUNAL AT MYSURU (IN THE COURT OF PRINCIPAL SMALL CAUSES AND SENIOR CIVIL JUDGE AT MYSURU), IN MVC NO.1169/2017, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. NO.7126/2021:

BETWEEN:

1. THE MANAGING DIRECTOR
KSRTC
MYSURU RURAL DIVISION
MYSURU.

...APPELLANT

(BY SRI. B.S. KARTHIKEYAN, ADV., FOR
SMT. RAMYA H.N. ADV.,)



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AND:

1. SMT. BHAVANI
W/O LATE SRI RAKSHITH
AGED ABOUT 24 YEARS.
2. SRI. KARNA .R
S/O LATE SRI RAKSHITH
AGED ABOUT 4 YEARS
MINOR, REP BY HIS MOTHER AND NATURAL
GUARDIAN SMT BHAVANI.
3. SMT. CHIKKAMANNAMMA
W/O SRI MARIYIAH
AGED ABOUT 45 YEARS.
4. SRI. MARIYIAH
S/O SRI SANNAIAH
AGED ABOUT 56 YEARS.

ALL ARE R/OF N. BEGUR VILLAGE
ANTHARASANTHE HOBLI
H D KOTE TALUK
MYSURU DISTRICT -570026.

...RESPONDENTS

(BY SRI. SYED ABDUL SABOOR, ADV., FOR R1 TO R4)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 28.01.2021 PASSED BY THE MOTOR ACCIDENTS CLAIMS TRIBUNAL AT MYSURU (IN THE COURT OF PRINCIPAL SMALL CAUSES AND SENIOR CIVIL JUDGE AT MYSURU), IN MVC NO.1176/2017, IN THE INTEREST OF JUSTICE AND EQUITY.

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



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CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

MFA Nos.1519/2021 and 2430/2021 are filed by the petitioners-claimants, whereas MFA Nos.7125/2021 and 7126/2021 are filed by the respondent-Corporation, challenging the common judgment and award dated 28.01.2021 passed in M.V.C.No.1176/2017 and M.V.C.No.1169/2017 by the Principal Judge, Court of Small Causes and MACT., Mysuru (for short, '***the Tribunal***').

2. Though the appeals are listed for admission, with the consent of both the sides, they are taken up for final disposal.

3. Sri.Syed Abdul Saboor, learned counsel appearing for the appellants-claimants in both the appeals submits that the claimants are seeking for higher



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compensation. Insofar as MVC No.1176 of 2017 is concerned, it is submitted that the Tribunal, though rightly assessed the income of the deceased Rakshith, but has failed to award compensation appropriately under the head of loss of consortium and other heads by awarding appropriate escalation as per the law laid down by the Hon'ble Supreme Court in the case of ***National Insurance Company Ltd v. Pranay Sethi and Others***¹. Insofar as MVC No.1169/2017 is concerned, it is submitted the Tribunal has committed grave error in assessing the income of the deceased at ₹7,000/- per month, as the deceased Mahadevaswamy was aged about 21 years and bachelor, his income is required to be reassessed notionally at ₹ 11,000/- per month as per the notional income chart prepared by the Karnataka State Legal Services Authority and adding 40% of the assessed income is required to be added towards future prospects. It is further submitted that the Tribunal has also erred in

¹ 2017 (16) SCC 680



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awarding consortium to the parents of the deceased at ₹80,000/- without applying appropriate escalation. Hence, he seeks to allow both the appeals of the claimants.

4. Per contra, Sri.B.S.Karthikeyan, learned counsel appearing for the appellant-Corporation submits that the Tribunal has committed a grave error in recording the finding with regard to the aspect of negligence, as the material on record indicates that the vehicle, which met with the accident, was an unregistered vehicle, the rider as well as pillion rider were not wearing the headgears and the rider was not having a valid driving licence. It is submitted that PW1 in her cross-examination has deposed that she is unaware as to whether the vehicle involved in the accident was registered or unregistered vehicle. Hence, these aspects are required to be looked into while considering the aspect of negligence. It is further submitted that as per Ex.P4 – rough sketch, the width of the road is 24 feet and the rider came on the right side of



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the road and caused the accident. The sketch clearly indicates that there was negligence on the part of the rider of the motorcycle, hence, appropriate finding is required to be recorded with regard to the contributory negligence and accordingly apportion the liability by allowing the appeals of the Corporation. It is also submitted that the Tribunal has assessed the income of both the deceased on higher side and awarded exorbitant compensation. Hence, he seeks to allow the appeals of the Corporation by dismissing the appeals filed by the claimants.

5. We have heard the arguments of learned counsel for the claimants, learned counsel for the Corporation and meticulously perused the material available on record including the Tribunal records.

6. The point that arises for consideration in these appeals is:



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"Whether the impugned common judgment and award of the Tribunal in these appeals calls for any interference?"

7. The aforesaid point is answered in the affirmative for the following reasons.

8. The wife, minor son and parents of deceased Rakshith have filed the claim petition under Section 166 of the Motor Vehicles Act, seeking compensation of ₹65,00,000/- with interest at the rate of 18% p.a. for the untimely death of Sri.Rakshith in the road traffic accident that occurred on 06.10.2017. The said case is registered and numbered as MVC No.1176/2017.

9. The parents of deceased Mahadevaswamy have filed the claim petition seeking compensation of ₹40,00,000/- with interest at the rate of 18% p.a. The said claim petition was registered and numbered as MVC No.1169/2017.



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10. The material on record indicate that the deceased Rakshith and Mahadevaswamy were proceeding on the motorcycle bearing Reg.No.KA-45-Y-0469 from H.D.Kote Town towards Hand Post and at that time, the driver of the KSRTC bus bearing Reg.No.KA-09-F-4624 came from opposite direction, driven by its driver in a rash and negligent manner, dashed to the motorcycle, as a result the rider as well as the pillion rider fell down and sustained grievous injuries and they succumbed to the injuries.

11. It is averred that the deceased Rakshith was working as a Forest Watcher in the department of Forest Government of Karnataka and drawing salary of ₹19,384/- per month and he was aged about 24 years at the time of accident. It is averred that the deceased Mahadevaswamy was aged about 21 years, bachelor, and was a coolie and he used to earn ₹15,000/- per month. The Corporation entered appearance and filed objections before the



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Tribunal denying the assertions made in the claim petitions, more particularly, denying the age, income and the aspect of negligence. The Tribunal framed the issues, recorded the evidence of the parties. The claimants examined themselves as PW1 and PW2 in both the cases and got marked Ex.P1 to P25 in MVC No.1176/2017 and Exs.P1 to P8 in MVC No.1169/2017. The Corporation examined one Suresh Desai, Law Officer, as RW1. The Tribunal considering the oral and documentary evidence on record has awarded total compensation of ₹48,41,500/- in MVC No.1176/2017 and a total compensation of ₹11,78,500/- in MVC No.1169/2017 with interest at the rate of 6% per annum from the date of petition till realisation of the amount by apportioning the compensation among the claimants.

12. Insofar as **MVC No.1176/2017** is concerned, The Tribunal has rightly assessed the income of the deceased Rakshith at ₹19,184/- considering the salary slip



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of the deceased produced at Exs.P11 to Exhibit P16 and added 50% of the assessed income towards the loss of future prospects and awarded compensation under the head of loss of dependency, hence, the same does not call for any interference. However, the Tribunal has committed an error in awarding compensation under the head of loss of consortium and conventional heads. The claimants are the wife, minor son and parents of the deceased Rakshith, hence all the claimants would be entitled to loss of consortium at the rate of **₹48,000/-** each which includes 20% escalation. Similarly, the appellants-claimants would be entitled to a sum of **₹18,000/-** under the head of 'loss of estate' and **₹18,000/-** under the head of 'funeral expenses & transportation of dead body' which includes 20% escalation. Further, the compensation of ₹11,000/- awarded by the Tribunal under the head of medical expenses is unaltered. Thus, the appellants/claimants in **MVC No.1176/2017** would be entitled to modified compensation as under:



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HEADS	AMOUNT (in Rs.)
Loss of dependency	46,30,500/-
Loss of consortium (48000 x 4)	1,92,000/-
Transportation of dead body & funeral expenses	18,000/-
Loss of estate	18,000/-
Medical expenses	11,000/-
Total	48,69,500/-

13. Insofar as **MVC No.1169/2017** is concerned, the Tribunal has assessed the income of the deceased Mahadevaswamy at ₹7,000/- per month. Admittedly, the claimants have failed to produce any cogent and legally acceptable evidence to prove the income of the deceased, hence, it would be appropriate to assess the income of the deceased notionally at ₹11,000/- per month by placing reliance on the notional income chart prepared by the Karnataka State Legal Services Authority. Having reassessed the income at ₹11,000/- per month, the claimants would also be entitled to addition of 40% of the assessed income under the head of loss of future prospects of the deceased. The deceased was aged about



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21 years, hence, the appropriate multiplier would be 18 and 50% of the assessed income would be deducted towards the personal and living expense of the deceased. Hence, the compensation under the head of loss of dependency is reassessed as under:

$$\text{Rs.}11,000 + 40\% \times 12 \times 18 \times 50\% = \text{Rs.}16,63,200/-.$$

14. The claimants are the parents of the deceased. Hence, they would be entitled to compensation under the head of loss of consortium at **₹48,000/-** each which includes 20% escalation. Similarly, the appellants-claimants would be entitled to a sum of **₹18,000/-** under the head of 'loss of estate' and **₹18,000/-** under the head of 'funeral expenses & transportation of dead body' which includes 20% escalation. Thus, the appellants/claimants in **MVC No.1169/2017** would be entitled to modified compensation as under:



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HEADS	AMOUNT (in Rs.)
Loss of dependency	16,63,200/-
Loss of consortium (48000 x 2)	96,000/-
Transportation of dead body & funeral expenses	18,000/-
Loss of estate	18,000/-
Total	17,95,200/-

15. The contention of the learned counsel for the Corporation with regard to the negligence i.e., the rider as well as the pillion rider of the motorcycle were not wearing the headgear and the rider was not having the valid driving licence and the motorcycle was unregistered is concerned, in our view the said contention cannot be accepted as there is no evidence on record to come a different conclusion than the conclusion arrived by the Tribunal with regard to the aspect of negligence. The claimants have placed the FIR, copy of the complaint and the charge sheet material. The said documents clearly indicate that the accident is caused due to the actionable



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negligence on the part of the driver of the bus owned by the Corporation.

16. The evidence of PW2 in MVC No.1176/2017 clearly indicates that he was an eyewitness to the accident, who has clearly deposed before the Tribunal that accident was due to the actionable negligence on the part of the driver of the bus owned by the Corporation. Hence, in the absence of any contra evidence on record with regard to the aspect of negligence, we are of the view that the Tribunal was fully justified in recording the finding that the driver of the bus owned by the Corporation was negligent and caused the accident. The said finding of the Tribunal is in consonance with the evidence on record, hence, the same do not call for any interference.

17. The specific contention of the learned counsel for the Corporation that Ex.P4 - sketch indicates that the rider of the motorcycle was on the wrong side is concerned, in our considered view, the sketch being the



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part of the charge sheet material, the same is considered and the Investigation Officer, after completion of the investigation, on collection of the evidence, has filed the charge sheet against the driver of the bus owned by the Corporation. Hence, placing reliance on Ex.P4 sketch alone may not be the basis to come to the conclusion that there was negligence on the part of the rider of the motorcycle, when there is a positive evidence available before the Tribunal i.e., charge sheet material, as well as the evidence of eye-witness, i.e., PW2. Hence, the appeals filed by the Corporation deserves to be dismissed.

18. The enhanced compensation amount shall carry interest at the rate of 9% p.a. in view of the decision of the Co-ordinate Bench in the case of ***SRI.BIMAL GOGAI AND ANOTHER Vs. MANAGING DIRECTOR, BMTC²***.

19. In the result, we proceed to pass the following:

² MFA No.10401/18 & con. appeal dt.09.06.26



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ORDER

- a) MFA Nos.1519/2021 and 2430/2021 filed by
the claimants are ***allowed in part.***
- b) MFA Nos.7125/2021 and 7126/2021 filed by
the Corporation are ***dismissed.***
- c) The impugned judgment and award in
M.V.C.No.1176/2017 is modified to an extent
that the appellants-claimants would be
entitled to total compensation of
Rs.48,69,500/- as against Rs.48,41,500/-
awarded by the Tribunal.
- d) The impugned judgment and award in
M.V.C.No.1169/2017 is modified to an extent
that the appellants-claimants would be
entitled to a total compensation of
Rs.17,95,200/- as against Rs.11,78,500/-
awarded by the Tribunal.



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- e) The enhanced compensation in both the cases shall carry interest at the rate of 9% p.a. from the date of petition till realisation.
- f) The Corporation shall deposit the enhanced compensation amount along with interest in both the cases before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- g) On such deposit, the enhanced compensation along with interest in MVC No.1176/2017 shall be released in favour of the claimants as per the ratio apportioned by the Tribunal.
- h) The apportionment, deposit and disbursement in MVC No.1169/2017 shall be made as per the award of the Tribunal.



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i) The amount in deposit, if any, and the records shall be transmitted to the Tribunal forthwith.

j) Draw modified award accordingly.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 11