



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1379 OF 2026(MV-D)

BETWEEN:

THE MANAGER DIRECTOR
MOTOR CLAIM HUB
KSRTC, NO.27, DOUBLE ROAD,
SHANTHINAGAR, BANGALORE-27
(KSRTC BUS BEARING NO.KA-57-F-4456)
CENTRAL OFFICES, K. H. ROAD,
SHANTHINAGAR, BENGALURU-560 027
REP. BY ITS CHIEF LAW OFFICER,

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. JAGADEESH G.S, ADVOCATE AND
SRI. GURUBASAPPA .E.S, ADVOCATE)

AND:

1. SMT GANGAMMA
W/O LATE V NARAYANASWAMY
AGED ABOUT 40 YEARS,
2. SRI VIJAY KUMAR.N
D/O.LATE V NARAYANASWAMY,
AGED ABOUT 22 YEARS,

BOTH ARE RESIDING AT
NO.19, 5TH BLOCK,



NC: 2026:KHC:29306-DB
MFA No. 1379 of 2026

BETHAMANGALA,
BANGARAPET, KOLAR
KARNATAKA -563 116

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE FOR R1 & R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.10.2025 PASSED IN MVC NO.9142/2024 ON THE FILE OF THE V ADDITIONAL SMALL CAUSES JUDGE MACT, XXIV ACJM, BENGALURU SCCH-20, AWARDDING COMPENSATION OF RS.26,04,800/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. The Insurance Company has preferred this appeal against the judgment and award passed in MVC No.9142/2024 dated 10.10.2025 by the Vth Addl Small Cause Judge and MACT, Bengaluru, (SCCH-20), (for short 'the Tribunal'), whereby the Tribunal has partly allowed the claim petition filed by the



respondents/claimants by awarding compensation of Rs.26,04,000/- along with interest at 6% per annum.

2. The facts apposite for consideration as borne out from the pleadings are that, on 19.11.2024 at about 2:00 p.m., one Ajay N (deceased in this case) was riding a two-wheeler bearing Registration No. KA-07-EG-9313 on the Kolar-Bengaluru Highway near Hosahalli Gate. At that time, the driver of KSRTC Bus bearing Registration No. KA-57-F-4456 drove the bus at a high speed and in a rash and negligent manner and dashed against the two-wheeler from behind, resulting in the accident. Due to the impact, Ajay N sustained grievous injuries and succumbed to the same at the spot. Thereafter, the jurisdictional police registered a case in Crime No. 343/2024 against the driver of the KSRTC bus and charge sheet was laid against both the driver of the KSRTC bus and the deceased. Subsequently, a claim petition was filed by his legal representatives claiming compensation.

3. The Tribunal, on assessment of oral and documentary evidence, has partly allowed the claim petition as stated supra



and directed the appellant/KSRTC to deposit the compensation. Challenge to the same is *lis* before this court.

4. We have heard the learned counsel Sri. Jagadeesh G.S, for the appellant and learned counsel Sri. Gurudev Prasad .T., for the respondent.

5. Apart from urging several contentions, learned counsel for the appellant has primarily contended that the Tribunal has erred while fixing the liability on the KSRTC. He has specifically contended that there was contributory negligence on the part of the deceased, who was riding the motorcycle, inasmuch as he suddenly took a U-turn and attempted to cross the National Highway, as a result thereof, the accident occurred. He has further contended that, upon completion of the investigation, the police filed a charge sheet against the deceased as well by arraying him as accused No.2. In such circumstances, it is evident that the deceased had also contributed to the occurrence of the accident. He further contended that the Tribunal had totally misread the evidence on record and had erroneously fastened the liability on the KSRTC. Accordingly, he prayed for allowing the appeal.



6. *Per contra*, learned counsel for the respondent by supporting the impugned judgment contended that the Tribunal after examining the evidence and the documents passed a well reasoned judgment and award which do not call for any interference. He submitted that the accident in question occurred in the middle of the road and that the offending vehicle, namely the bus, dashed against the rear portion of the motorcycle, as a result of which, the deceased was thrown off the motorcycle and the motorcycle was dragged for a distance of about 20 feet. Taking the said facts into consideration, the Tribunal has held that the accident had caused solely due to the rash and negligent driving of the driver of the bus. Accordingly, he prayed for dismissal of the appeal.

7. We have given anxious consideration on the submissions made by the learned counsel for the respective parties and perused the impugned judgment and award and the documents placed before us.

8. The only point that would arise for our consideration is-

*"Whether the Tribunal was
justified in partly allowing*



*the claim petition by
saddling the liability on the
KSRTC?"*

9. As could be gathered from records, in the instant case, the accident in question is not in dispute.

10. We have carefully examined the complaint, FIR, Ex.P3 - Spot Mahazar, the sketch produced at Ex.P5, and other investigation records. Initially, the complaint was lodged by Vijaykumar, respondent No.2, and based on the said complaint, FIR came to be registered against the driver of the KSRTC bus. The spot mahazar also depicts that the accident in question occurred in the middle of the road. No doubt, the rider of the motorcycle attempted to cross the road at a junction. However, it could be seen that the deceased had already crossed half of the road when the driver of the KSRTC bus dashed against the rear portion of the motorcycle. It was the duty of the driver of the KSRTC bus to drive the vehicle in a careful and cautious manner by observing the vehicles proceeding on the road ahead of the bus. Had the driver exercised due care and observed the same, he could have easily avoided the accident.



11. Though a charge sheet came to be laid against the rider of the motorcycle, i.e., the deceased, by arraying him as accused No.2, the same by itself cannot be a ground to hold that he had also contributed to the accident, for the simple reason that the implication of the deceased in the charge sheet was based on the subsequent complaint lodged by the driver of the bus. We have also perused the photographs and the entire charge sheet material placed on record by the learned counsel for the appellant. Upon careful examination of the same, and having regard to the fact that the accident in question occurred in the middle of the road, it can safely be inferred that the driver of the KSRTC bus had driven the vehicle in a rash and negligent manner and was solely responsible for the accident.

12. This being the position, we are not inclined to accept the contention urged by the learned counsel for the appellant - KSRTC. These aspects of the matter have been rightly appreciated and dealt with by the Tribunal by passing a well-reasoned order, which does not call for any interference by this Court. In that view of the matter, we find no good ground to interfere with the impugned judgment and award.



Accordingly, the appeal lacks merit and the same stands
dismissed.

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

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 23