



CNR: KAHC010145402025

NC: 2026:KHC:55678
MFA No. 1637 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.1637/2025 (MV-D)

BETWEEN:

1. THE MANAGING DIRECTOR
KARNATAKA STATE ROAD TRANSPORT
CORPORATION, (KSRTC)
CENTRAL OFFICE, K.H. ROAD
SHANTHI NAGARA, BENGALURU-560 027
NOW REP. BY IT'S CHIEF LAW OFFICER.

...APPELLANT

(BY SRI. F.S. DABALI, ADV.,)

AND:

1. SMT. SUNANDAMMA
W/O SRI. GUDLA SIDDAREDDY
ALIAS SIDDAREDDY
AGED ABOUT 54 YEARS.
2. SRI. GUDLA SIDDAREDDY
ALIAS SIDDAREDDY
S/O LATE GUDLA THATIREDDY
AGED ABOUT 57 YEARS.

PREVIOUSLY RESIDING AT
EGUVAMITTAMARRI VILLAGE
PONNETIPALYAM POST
MADANAPALLI RURAL
CHITTOOR DISTRICT
ANDHRA PRADESH - 517 325.



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BOTH ARE R/AT NO. 120
RAYALPADU VILLAGE AND POST
SRINIVASAPURA TALUK
KOLAR DISTRICT-563 135.

...RESPONDENTS

(BY SRI. GOPAL KRISHNA N, ADV., FOR
SMT. SUSHMITHA G, ADV., FOR R1 & R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
CALL FOR THE RECORDS AND MODIFY/SET-ASIDE THE
JUDGMENT AND AWARD IN MVC NO.4441/2022 DATED
02.04.2024 ON THE FILE OF THE COURT OF THE XX
ADDITIONAL SMALL CAUSES JUDGE AND ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AND MACT BENGALURU (SCCH-
22) IN RESPECT OF FIXING ENTIRE LIABILITY ON THE
APPELLANT AND ALSO THE QUANTUM OF AWARD AMOUNT,
WHICH IS AT HIGHER SIDE, IN THE INTEREST OF JUSTICE
AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/KSRTC (for short
'Corporation') challenging the judgment and award dated
02.04.2024 passed in MVC No.4441/2022 by the XX
Additional Small Causes Judge and MACT (SCCH-22).

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2. Even though the appeal is listed today for orders/admission, it is taken up for disposal with the consent of learned counsel for appellant/KSRTC and learned counsel for respondent Nos.1 and 2/claimants.

3. Respondent Nos.1 and 2/claimants made a claim petition praying to award compensation for the death of their son Sunil Kumar in a road traffic accident occurred on 04.05.2022 contending that the accident occurred due to rash and negligent driving of the driver of KSRTC Bus bearing Regn.No.KA-07-F-1739. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards loss of income from the deceased	26,94,168/-
02.	Towards funeral expenses and transportation charges	22,000/-
03.	Towards consortium	88,000/-
04.	Loss to estate	16,500/-
	Total	28,20,668/-

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4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and held that the Corporation is liable to pay the compensation. The Corporation has challenged the said finding of the Tribunal fastening the liability on it and also challenging the quantum of compensation awarded.

5. Heard learned counsel for the appellant/Corporation and learned counsel for respondent Nos.1 and 2/claimants.

6. Learned counsel for appellant/Corporation would contend that the deceased who was riding the motor cycle overtook a lorry and came on right side, as a result, the driver of the Bus inspite of applying brakes could not control his vehicle and dashed to the said motor cycle. There are tyre marks on the left side of the road on which the bus was moving and that itself indicate that the bus was on the left side of the road. He further submits that even though charge sheet is filed against the driver of the bus, but the charge sheet does not contain any eye



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witnesses. He submits that the claimants have not examined any eye witnesses in order to prove rash and negligent driving of the driver of the bus. The driver of the bus has also filed complaint as per Exs.R1 and R2. The road on which the deceased came from is a curve road and it is having width of 30 feet. Considering these aspects, there is contributory negligence on the part of the rider of the motor cycle and the Tribunal has failed to consider this aspect. He further submits that Ex.P9 - pay-slip is of April, 2022 and Ex.P17 also contains pay slip of April,2022 and there is difference between the pay amount mentioned in the pay slips. With this he prayed to allow the appeal.

7. Learned counsel for respondent Nos.1 and 2/claimants would contend that the charge sheet has been filed against the driver of the bus for rash and negligent driving of the bus. As per column-17 of the charge sheet, the driver of the bus was over-taking a lorry and as a result of which, he came on the right side of the road and

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dashed to the motor cycle. The said charge sheet has not been challenged by the driver of the KSRTC bus. Considering the said aspect, the Tribunal has held that rash and negligent driving is only on the part of the driver of the bus. He further submits that deceased worked for two months and the pay slip for April, 2022 produced by his employer indicate that his gross pay is Rs.18,018/- and net pay is Rs.15,509/- and the bank account statement indicate credit of the said net pay of Rs.15,509/-. Considering the said aspect, the Tribunal has rightly taken the said gross pay of Rs.18,018/- and deducted Rs.200/- towards professional tax and taken monthly income of Rs.17,818/-. With this he prayed to dismiss the appeal.

8. Having heard the learned counsels, this Court has perused the judgment, award and trial Court records.

9. The accident occurred on 04.05.2022 at about 8.30 p.m. The deceased was riding motor cycle bearing Regn.No.AP-03-CV-3617 and he came from Vijayapura

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towards Kolar. The bus bearing Regn.No.KA-07-F-1739 came from Kolar side towards Vijayapura. Ex.P3 is the spot mahazar and Ex.P4 is the spot sketch. Both Ex.P3 and P4 indicate that there are tyre marks on the left side of the road on which the bus was moving. The bus and the motor cycle were found on the left side of the road on which the bus was moving after the accident. As the brake marks were on the left side of the road on which the bus was moving, it clearly indicate that the bus was moving on the left side of the road and on seeing the motor cycle the driver of the bus had applied brakes and even inspite of applying the brake, he could not control the bus and dashed to the motor cycle which came on its right side. It clearly indicates there is contributory negligence on the part of the rider of the motor cycle/deceased. Even though the charge sheet is filed only against the driver of the bus, but the spot mahazar clearly indicate that there is contributory negligence on the part of the rider of the motor cycle/deceased. The charge

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sheet does not contain any eye witnesses to the incident. Considering the said aspect, the Tribunal has erred in fastening entire liability on the driver of the bus. Considering the sketch and the spot mahazar, the contributory negligence of the rider of the motor cycle/deceased is assessed at 20% and the negligence on the part of the bus driver is assessed at 80%.

10. Ex.P9 is the pay slip of the deceased wherein his gross pay is Rs.17,459/-. Ex.P17 is the pay slip for April, 2022 and it is produced by the employer wherein his gross pay is shown as Rs.18,018/- and net pay is Rs.15,509/-. The said net pay of Rs.15,509/- is credited to the bank account of the deceased and the said bank account statement is at Ex.P15. Considering the said aspect, the Tribunal has rightly taken the income of the deceased at Rs.17,818/- p.m. after deducting Rs.200/- towards professional tax in Rs.18,018/-.

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In view of the above, the appeal filed by the KSRTC deserves to be allowed in part. Accordingly, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The claimants are entitled to 80% of the compensation assessed by the Tribunal i.e. Rs.22,56,534/- (80% of the Rs.28,20,668/-) with interest @ 6% p.a. from the date of petition till realization.
- iii) The appellant/KSRTC shall deposit the said compensation amount with interest before the Tribunal within a period of six weeks from this day including the amount already deposited.
- iv) The share of compensation among the claimants and order of deposit among the claimants as held by the Tribunal remains unaltered.

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- v) The amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 9