



CNR: KAHC010160602026

NC: 2026:KHC:48741
MFA No. 1718 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1718 OF 2026

(MV-I)

BETWEEN:

THE MANAGING DIRECTOR
MOTOR CLAIMS HUB
BMTCL, K.H.ROAD BANGALORE - 560 027.
(BUS BEARING REG No.KA-57-F-5147).

...APPELLANT

(BY SMT. SOHANI A. HOLLA, ADVOCATE)

AND:

SRI SEENAPPA
(SINCE DEAD BY HIS LR'S)

Digitally signed by
LAKSHMINARAYANA 1.
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

SRI. MUNAYYA, 49 YEARS.
S/O LATE SEENAPPA
R/O AT BIDARAHALLI VILLAGE
BANGALORE EAST TALUK
BANGALORE-560 049.

2. SRI SURESH
45 YEARS
S/O LATE SEENAPPA.

3. SRI NAGARAJU
43 YERAS
S/O LATE SEENAPPA



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ALL ARE R/O AT BIDARAHALLI VILLAGE
BANGALORE EAST TALUK
BANGALORE-560 049.

...RESPONDENTS

(BY SRI GURUDEVA PRASAD K T, ADVOCATE FOR R1-R3)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:2.12.2025 PASSED IN MVC No.7421/2024 ON THE FILE OF THE VTH ADDITIONAL SMALL CAUSES JUDGE AND XXIV ACJM, COURT OF SMALL CAUSES, MAYO HALL UNIT, BENGALURU (SCCH-20), AWARDED COMPENSATION OF Rs.6,12,381/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF FILING OF THE PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the BMTC challenging the judgment and award dated 02.12.2025 passed in MVC No. 7421/2024 by the V Additional Small Causes Judge and MACT, Bengaluru (SCCH-20).

2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondents it is taken up for disposal.



3. The original claimant – Seenappa made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 30.08.2024 contending that the accident occurred due to the rash and negligent driving by the driver of BMTC bus bearing No. KA-57-F-5147. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards medical expenses, attendant charges, transportation, nourishing food	Rs.5,55,881.00
2	Loss of income during the laid up period	Rs.16,500.00
3	Pain and suffering	Rs.20,000.00
4	Loss of amenities	Rs.20,0000.00
	Total	Rs.6,12,381.00

4. The Tribunal has held that the accident occurred due to the sole negligence of the driver of BMTC bus and also held that the legal representatives of the



original claimant were entitled to interest at the rate of 6% p.a. from date of petition till the date of realization. The BMTC has challenged the said judgment of the Tribunal on the ground that there is contributory negligence on the part of the injured – original claimant and also challenging the quantum of compensation awarded by the Tribunal.

5. Heard learned counsel for appellant and learned counsel for respondents.

6. Original claimant – Seenappa died during the pendency of the claimant petition and his legal representatives have been brought on record. It is not in dispute that the claimant died natural death and there was no nexus between the death and accidental injuries. In view of death of original claimant, legal representatives of the original claimant are not entitled to pain and suffering and loss of amenities as awarded by the Tribunal in a sum of Rs.20,000/- each. Legal representatives of original claimant are entitled to medical expenses in a sum of Rs.5,35,881/-. They are also entitled to attendant,



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conveyance and transportation charges in a sum of Rs.17,000/- (Rs.1,000 X 17 days) as against Rs.20,000/- awarded by the Tribunal. Original claimant had sustained fracture of left leg tibia and skin grafting was also done and he was admitted in the hospital for 17 days. Considering the same, the Tribunal has rightly awarded loss of income during laid up period for one month in a sum of Rs.16,500/-.

7. Learned counsel for appellant would contend that the original claimant suddenly entered the road and therefore, there is contributory negligence on the part of original claimant.

8. Ex.P.3 is the spot mahazar and Ex.P.4 is the sketch of the spot. The bus was traveling towards Biderenahalli to Bayappanahalli. The accident has taken place on the right side of the road on which the bus was proceeding. A perusal of Ex.P.4 – sketch of the spot indicates that the accident occurred on the right side of the road, that too, on the edge of the road. If the original



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claimant had suddenly entered the road, then the driver of the bus ought to have applied brake and there should be brake/tyre marks on road. On perusal of Ex.P.3 - spot mahazar and Ex.P.4 - sketch of the spot no such brake marks are found on the spot. Considering the said aspect the Tribunal has rightly held that the entire negligence is on the part of the driver of the bus. In view of the above, legal representatives of the original claimant are entitled to compensation under various heads as under:

1	Towards medical expenses,	Rs.5,55,881.00
2	Loss of income during the laid up period	Rs.16,500.00
3	Towards attendant charges	Rs.17,000.00
	Total	Rs.5,89,381.00

9. Legal representatives of the original claimant are entitled to total compensation of Rs.5,89,381.00 as against Rs.6,12,381/- awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of realization. The appellant – BMTC is liable to



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pay the said compensation to the legal representatives of the original claimant who are respondent Nos. 1 to 3 in the present appeal.

10. In view of the above, the following;

ORDER

- i. Appeal is allowed in part.
- ii. Legal representatives of original claimants who are respondent Nos. 1 to 3/claimant Nos. 1-a to c are entitled to total compensation of Rs.5,89,381/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- iii. The appellant – BMTC shall deposit the entire compensation amount with interest before the Tribunal within a period of six weeks from this day including the amount already deposited.
- iv. Respondent Nos. 1 to 3/claimant Nos. 1-a to c are entitled to equal share in the compensation awarded and release of their share.



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- v. Amount in deposit shall be transmitted to the
Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 SI No.: 51
Ct.sm