



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4365 OF 2020 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.6898 OF 2023 (MV-I)

IN MFA NO.4365/2020:

BETWEEN:

THE MANAGING DIRECTOR,
KSRTC, MANGALORE,
REP. HEREIN BY ITS
CHIEF LAW OFFICER, BANGALORE.

...APPELLANT

(BY SRI. G. LAKSHMEESH RAO, ADVOCATE)

AND:

1. SRI. ASHWINI D/O ARAVIND,
AGED ABOUT 20 YEARS,
R/AT KELLUR, KUNNAHALLI VILLAGE,
HALASE AND POST, MUDIGERE TALUK,
CHIKAMAGALUR DISTRICT.
2. SRI. RAJU S/O PUTTEGOWDA,
AGED ABOUT 48 YEARS,
DRIVER, BADGE NO.107,
KSRTC, MUDIGERE DEPOT,
R/O SIDDESHWARA STREET,
KOTE, BELUR TALUK, HASSAN DISTRICT.

...RESPONDENTS

(BY SRI. ABIJITH M. M., ADVOCATE FOR R1;
V/O DATED 23.12.2020, NOTICE TO R2 DISPENSED WITH)

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Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:18804
MFA No. 4365 of 2020
C/W MFA No. 6898 of 2023

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD MADE BY THE COURT OF THE SENIOR CIVIL JUDGE AND M.A.C.T. AT MUDIGERE IN M.V.C. NO.116/2019 DATED 18.02.2020. THE APPELLANT CORPORATION FURTHER PRAYS FOR AWARD OF SUCH OTHER JUST AND EQUITABLE RELIEF THAT THE HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.6898/2023:

BETWEEN:

SMT. ASHWINI D/O ARAVIND,
AGED ABOUT 25 YEARS,
R/AT KELLUR, KUNNAHALLI VILLAGE,
HALASE POST, MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT-577 132.

...APPELLANT

(BY SRI. ABIJITH M. M., ADVOCATE)

AND:

1. SRI. RAJU S/O PUTTEGOWDA,
AGED ABOUT 52 YEARS,
DRIVER, BADGE NO.107,
KSRTC, MUDIGERE DEPOT,
R/AT SIDDESHWARA STREET,
KOTE, BELURU TALUK,
HASSAN DISTRICT-577 202.
2. THE MANAGING DIRECTOR,
KSRTC MANGALORE,
MANGALORE DISTRICT-575 001.

...RESPONDENTS

(BY SRI. G. LAKSHMEESH RAO, ADVOCATE FOR R2;
V/O DATED 12.08.2024 NOTICE TO R1 DISPENSED WITH)



THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 18.02.2020 PASSED IN M.V.C. NO.116/2019 BY THE HON'BLE COURT OF THE SENIOR CIVIL JUDGE AND M.A.C.T. AT MUDIGERE AND ENHANCES COMPENSATION AS PRAYED IN THE CLAIM PETITION OR BY AWARDED SUCH SUM THAT THIS HON'BLE COURT DEEMS JUST AND REASONABLE AND TO PASS SUCH CIRCUMSTANCE OF THE CASE AND ALLOW THE APPEAL IN THE INTEREST OF THE JUSTICE AND EQUITY.

THESE APPEALS COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, JUDGMENT WAS PRONOUNCED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV JUDGMENT

These two appeals are the outcome of the order that is rendered by the Motor Accident Claims Tribunal, Mudigere in MVC No.116/2019 dated 18.02.2020. While MFA No.4365/2020 is filed by the Karnataka State Road Transport Corporation (hereinafter be referred to as 'KSRTC' for brevity) disputing its liability to pay compensation, MFA No.6898/2023 is filed by the claimant



projecting that compensation granted by the Tribunal is on lower side.

2. Heard Sri. G.Lakshmeesh Rao, learned counsel who represents KSRTC as well as Sri Abijit M.M., learned counsel who represents claimant.

3. The matrix of the case as projected by the claimant before the Tribunal is that, on 18.04.2017 at about 11.15 a.m. while she was proceeding on a motorcycle as a pillion, a bus of KSRTC bearing Registration No.KA-18/F-0086 which came from Belur side towards Mudigere being driven by its driver in a rash and negligent manner hit the motorcycle, due to which she sustained grievous injuries.

4. Learned counsel who represented KSRTC submitted that the Tribunal without proper appreciation of the evidence of RW.1 and Exs.R1 to R6, fastened liability against KSRTC. Learned counsel contended that the rider of the motorcycle was a minor as on the date of accident



and he was not holding driving licence to ride the motorcycle. The said boy was driving the motorcycle along with pillion i.e., the claimant. Due to his sole negligence, the accident occurred. The driver of KSRTC was driving the bus cautiously and by observing all road rules and regulations. Thus, the Tribunal ought not to have fastened liability upon KSRTC. Learned counsel also stated that the compensation granted by the Tribunal is excessive. Learned counsel thereby sought to allow the appeal filed by KSRTC and thereby exonerate KSRTC from liability to pay compensation to the claimant.

5. Per contra, learned counsel who represented the claimant stated that the accident occurred due to sole negligence on part of the driver of KSRTC. The manner of happening of accident itself speaks that the driver of KSRTC was at fault. Learned counsel also contended that basing on the complaint given, a case was registered by police against the driver of KSRTC and after due investigation filed charge sheet against the said driver



alone. Only because the rider of motorcycle was not holding driving licence, liability cannot be fastened against the owner of the motorcycle exonerating the liability of KSRTC when records clearly speak that the driver of KSRTC was at fault.

6. So far as quantum is concerned, learned counsel who represented the claimant submitted that the claimant was studying II-PUC as on the date of accident. However, as the college was not full time, she was doing coolie work to support her parents and thereby she was earning Rs.15,000/- per month by the date of accident. Learned counsel also stated that the accident occurred in the year 2017 and for the relevant period, for settlement of claims, the Karnataka State Legal Services Authority is taking the notional income at Rs.11,000/- per month and at least said figure should have been considered by the Tribunal. But the Tribunal took the notional income of the claimant as Rs.4,000/- per month only. Learned counsel further submitted that the Tribunal failed to award any



compensation towards the loss the claimant sustained during laid up period financially.

7. Coming to the aspects of negligence and liability, as rightly contended by learned counsel who represented the claimant, basing on the complaint given, a case was registered against the driver of KSRTC and after due investigation charge sheet was filed against the said driver. No material whatsoever is on record to establish in clear terms that the rider of motorcycle was at fault. Though the version of KSRTC is that it appointed an investigator and said investigator investigated into the case and reported, said report was not produced by KSRTC for the reasons best known. On the other hand, by all the evidence produced, claimant succeeded in establishing that the accident occurred due to rash and negligent driving of the driver of KSRTC. Therefore, this Court is of the view that the Tribunal did not err in fastening liability upon KSRTC and directing it to pay compensation to the claimant for the loss she sustained.



8. Regarding quantum, as rightly put forth by learned counsel who represented KSRTC, claimant failed to produce sufficient proof to substantiate her version that she was earning Rs.15,000/- per month as on the date of accident. However, the Tribunal ought to have taken the notional income at Rs.11,000/- per month which figure is being adopted by Karnataka State Legal Services Authority for the relevant period for settlement of claims. The Tribunal has rightly assessed the disability in respect of whole body as 6.66%. Thus, taking the notional income as Rs.11,000/- per month and without disturbing other parameters i.e., application of appropriate multiplier '18' and disability in respect of whole body as 6.66%, the compensation which the claimant is entitled to receive towards loss of future earnings comes to Rs.1,58,241.66/- rounded off to Rs.1,58,242/- ($\text{Rs.11,000} \times 12 \times 18 \times 6.66\%$). Tribunal held that the claimant is entitled to a sum of Rs.80,559/- only towards loss of future earnings. Thus, the additional sum which the claimant is entitled to



receive towards loss of future earnings is Rs.77,683/- (Rs.1,58,242 – Rs.80,559).

9. Having considered the fact that the claimant sustained fracture of shaft of right femur and took extensive treatment for the said injury and during the course of treatment underwent a surgery also, this Court is of the view that the claimant could not have attended her normal pursuits at least for a period of three months. Thus, loss of earnings during laid up period comes to Rs.33,000/- (Rs.11,000 x 3).

10. Thus, the total sum which claimant is entitled to receive in addition to the sum that is awarded by the Tribunal is Rs.1,10,683/- (Rs.77,683 + Rs.33,000/-).

11. Therefore, both the appeals are disposed of with the following:

ORDER

- (i) The appeal in MFA No.4365/2020 is *dismissed*.



- (ii) The appeal in MFA No.6898/2023 is *allowed in part.*
- (iii) The compensation that is granted by the Motor Accident Claims Tribunal, Mudigere through orders in MVC No.116/2019 dated 18.02.2020 is enhanced by Rs.1,10,683/-.
- (iv) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.
- (v) KSRTC is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- (vi) On such deposit, claimant is permitted to withdraw the same.
- (vii) Amount, if any in deposit be transmitted to the concerned Tribunal immediately.



NC: 2026:KHC:18804
MFA No. 4365 of 2020
C/W MFA No. 6898 of 2023

In the light of the disposal of appeals, the proceedings in I.A No.1/2023 in MFA No.4365/2020 are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 19 SI No.: 1
CT:SI