



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.7631 OF 2023(MV-D)

C/W

MFA CROSS OBJECTION NO.31 OF 2025(MV-D)

IN MFA No.7631/2023

BETWEEN:

THE DIVISIONAL MANAGER,
KSRTC, HEAD OFFICE,
KOLAR DISTRICT,
KOLAR,
REPRESENTED BY ITS
CHIEF LAW OFFICER
K.H ROAD,
SHANTHINAGAR
BANGALORE-560 027.

...APPELLANT

(BY SMT. SUMANGALA A.SWAMY, ADVOCATE)

AND:

KUM. CHANDHANA
D/O H.M MANJUNATH
FOSTERED M/O LATE YELAGAMMA
D/O LATE GULLAPPA
AGED ABOUT 14 YEARS
MINOR REPRESENTED BY
HER NATURAL GUARDIAN
H M MANJUNATH
S/O LATE MUNIYAPPA

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by G
SHREEBAKSHA

Location: HIGH
COURT OF
KARNATAKA



AGED ABOUT 44 YEARS
R/AT HOSPETE VILLAGE
JANGAMAKOTE HOBLI,
SIDLAGATTA TALUK

...RESPONDENT

(BY SRI.HARISH N.R., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.25.04.2023 PASSED IN MVC
NO.87/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, MACT, SIDLAGHATTA, AWARDING COMPENSATION OF
RS.17,90,136/- WITH INTEREST AT 6 PERCENT P.A. FROM THE
DATE OF PETITION TILL RECOVERY.

IN MFA.CROB NO.31/2025

BETWEEN:

KUM. CHANDHANA
D/O H.M.MANJUNATH,
AGED ABOUT 15 YEARS,
FOSTERED MOTHER LATE YELGAMMA
D/O LATE GULLAPPA,

SINCE MINOR REPRESENTED BY
HER NATURAL GUARDIAN/FATHER

SRI.H.M. MANJUNATH,
S/O LATE MUNIYAPPA,
AGED ABOUT 45 YEARS,
R/A HOSAPETE VILLAGE-562 102
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK.

...CROSS OBJECTOR

(BY SRI.HARISH N.R., ADVOCATE)

AND:

1. THE BRANCH MANAGER
HEAD OFFICE, KSRTC,



KOLAR DISTRICT,
KOLAR-563 101.

2. THE DEPOT MANAGER,
CHINTHAMANI DEPOT,
CHINTAMANI-563 125.

...RESPONDENTS

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 25.04.2023 PASSED IN MVC NO.87/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, SIDLAGHATTA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL AND MFA CROB, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

MFA No.7631/2023 is filed by the KSRTC praying to set aside the judgment and award dated 25.04.2023 in MVC No.87/2019 by the Senior Civil Judge & JMFC, Motor Accident Claims Tribunal, Siddlagatta and MFA Crob.No.31/2025 is filed by the claimant claiming



enhancement of compensation for the death of Smt.Yalagamma respectively under Section 173(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'MV Act' for short).

2. The brief facts of the case are that on 23.04.2018 at about 12.30 p.m., the driver of the KSRTC Bus bearing Reg.No.KA-40-F-804 drove the said Bus in a rash and negligent manner at Beechagondanahalli-Santhehalli gate, due to which, the said Bus got turtle on the left side of the road, as a result of which, the deceased Yalagamma traveling as an inmate passenger fell down from the Bus and the Bus ran over her, due to which, she succumbed to the injuries on spot. Therefore, the claimant has filed claim petition under Section 166 of the Motor Vehicles Act, seeking compensation.

3. Heard the arguments of learned counsel appearing on both side and perused the material on record.



4. Learned counsel appearing for the KSRTC has contended that the Tribunal has erroneously awarded compensation without observing the fact that the claimant is not the legal heir of the deceased under Sections 15 and 16 of the Hindu Succession Act, 1956. The biological father of the claimant is alive and legally bound to maintain her and there is no proof that the deceased legally adopted the claimant. Learned counsel further contends that the accident has occurred in the year '2012' and in the absence of proof of income, the Tribunal's assessment of monthly notional income of ₹10,000/- + 25% future prospects is highly excessive for that year. The accident has occurred on 23.04.2012, while the claim petition was preferred in the year '2019'. Hence, this gross delay of 7 years remains entirely unexplained by PW-1. Therefore, on these grounds, prays to set aside the judgment and award passed by the Tribunal by allowing the appeal.



5. On the other hand, learned counsel appearing for the claimant has sought to sustain the award by arguing that the Motor Vehicles Act is beneficial legislation designed to protect those who lost a parental figure, irrespective of strict personal law definitions. He further contends that the Tribunal has awarded meager compensation under all the conventional heads and is liable to be enhanced. He contends that a "legal representative" includes a foster child, who lost emotional and financial support, meaning the compensation under 'loss of dependency' and is entitled for compensation. Therefore, prays for enhancement of compensation by allowing the appeal.

6. In the present case, this Court has carefully observed the contention taken by the KSRTC that the claimant is not a legal heir of the deceased under Sections 15 and 16 of the Hindu Succession Act, 1956. She is merely an unadopted foster child. The husband of the deceased is also dead and the biological father of the



claimant is alive to take care of the claimant. The claimant has no legal right to live as a dependent of the deceased when her biological father holds the legal obligation to care for her. The accident has occurred on 23.04.2018 but the claim petition was preferred 7 years later i.e., in the year '2019' without any valid explanation for the gross delay. Hence, there is inordinate and unexplained delay in preferring the claim petition.

7. The Tribunal at paragraph Nos.11 and 12 has held as under:-

*"11. Issue No.2: The respondent dispute the dependency of the petitioner with the deceased Yalagamma. In this regard I have relied upon the **Judgment of Hon'ble High Court of Karnataka, reported in MFA No.102868 of 2014, where in it is held in para No.24 as follows:***

Counsel for respondents/claimants also relied upon a judgement of Kerala High Court in the case of Shalumolsupra. In paragraph Nos.50 and 51 of the said judgement, Kerala High Court also held that bond between the mother and daughter is eternal and further observed that even if the dependency is relevant criterion to claim compensation for loss of dependency, it does not mean financial dependency is the 'ark of the covenant'. Dependency includes gratuitous service dependency, psychological dependency so on and so forth, which can never be equated in terms of the money.



12. No doubt the petitioner is not the legal heirs of the deceased Yalagamma, Under section 15 and 16 of the Hindu Succession Act. As per the police records and Ex.P8 the petitioner is forseter daughter of deceased Yalagamma. In view of the Judgment of the dependency is the 'ark of the covenant'. Dependency includes gratuitous service dependency, psychological dependency so on and so forth, which can never be equated in terms of the money. Therefore, the petitioner has lost her emotional and physical attachment of deceased Yalagamma, I am of the considered opinion that the petitioner is a dependency of deceased Yalagamma."

8. This Court has carefully perused the oral and documentary evidence on record. It is an admitted fact that the claimant was never legally adopted by the deceased. The Tribunal itself has categorically recorded a finding that the claimant is not a legal heir of the deceased under Sections 15 and 16 of the Hindu Succession Act, 1956 and she remains merely a foster child. The claimant has not produced any document to prove that she is the daughter of the deceased and the deceased has legally adopted her as a daughter.

9. Furthermore, the evidence of PW-1 demonstrates that the claimant's biological father i.e., H.M.Manjunath is



alive to look after the claimant. The husband of the deceased is also dead. Consequently, the claimant is legally bound to reside with and be maintained by her biological father. Claimant has produced Ex.P.7 - Genealogical tree and Ex.P.8 - Panchayathi authority letter dated 07.01.2021 to prove that the claimant is a foster child of the deceased. Claimant has also produced Ex.P.5 (a), which is a statement given by one Ms.Sukanya on 09.05.2012, wherein she has stated that the claimant is the foster child of the deceased and she is taking care of the claimant.

10. Considering the oral and documentary evidence on record, this Court is of the opinion that in the absence of a valid adoption deed or legal relationship, an unadopted foster child cannot maintain a claim for loss of dependency from the estate of the deceased. Hence, there is no legal dependency whatsoever between the deceased and the claimant. The Tribunal has completely failed to see this lack of legal relationship and committed a grave



error in awarding loss of dependency to the claimant. Furthermore, the accident has occurred in the year 2012 and the petition was filed in the year 2019. This inordinate seven years gross delay was filed without any explanation, which severely damages the credibility of the claim that the claimant was left destitute or dependent on the deceased's estate. The Tribunal has failed to appreciate the fatal statutory defect regarding the claimant's identity as a foster child. An award cannot be sustained or enhanced in favor of a person who does not qualify as a legal representative under the Act.

11. Since the claimant has no legal status as a dependent or a legal heir, the entire judgment and award of the Tribunal is unsustainable and is liable to be set aside. Accordingly, we pass the following:-

ORDER

- i. MFA No.7631/2023 filed by the KSRTC is hereby
allowed.



- ii. MFA Crob.No.31/2025 filed by the claimant is hereby ***dismissed***.
- iii. The judgment and award dated 25.04.2023 passed by the Motor Accident Claims Tribunal, Sidlaghatta, in MVC No.87/2019 is hereby set aside and the claim petition is ***dismissed***.
- iv. The statutory deposit, along with any amount deposited by the appellant-KSRTC before this Court or the Tribunal, shall be refunded to the Corporation upon proper identification.
- v. Registry is directed to return the Trial Court Records to the concerned Tribunal forthwith.

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

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**