



CNR: KAHC010254102025

NC: 2026:KHC:51780  
MFA No. 2839 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 2839 OF 2025**  
**(MV-D)**

**BETWEEN:**

THE MANAGING CONTROLLER  
KSRTC, MANGALORE DIVISION,  
CONTROL OFFICE,  
MANGALORE,  
REP.BY ITS CHIEF LAW OFFICER,  
CENTRAL OFFICES, K.H.ROAD,  
SHANTHINAGAR,  
BENGALURU - 560 027.

...APPELLANT

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

**AND:**

1. SMT. PARVATHI  
AGED ABOUT 49 YEARS,  
W/O ANNI DEVADIGA,  
RESIDING AT H.NO.7-69B,  
NADSAL, PADUBIDRI,  
UDUPI.
2. RAMA DEVADIGA,  
AGED ABOUT 52 YEARS,  
S/O SHEENA,  
RESIDING AT H.NO.7-72,  
HONNAYA SADANA, BENGRE ROAD,  
NADSAL, PADUBIDRI,  
UDUPI.





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3. PUSHPA  
AGED ABOUT 50 YEARS,  
W/O PADMANABHA DEVADIGA,  
RESIDING AT H.NO.7-72,  
HONNAYA SADANA, BENGRE ROAD,  
NADSAL, PADUBIDRI,  
UDUPI.
4. MR. BALAKRISHNA DEVADIGA  
AGED ABOUT 49 YEARS,  
S/O SHEENA DEVADIGA,  
RESIDING AT H.NO.7-72,  
BENGRE NADSAL, PADUBIDRI,  
UDUPI.

...RESPONDENTS

(R1 TO R4 ARE SERVED BUT UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 31.01.2025 PASSED IN MVC NO.955/2022 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND ACJM, ADDITIONAL MACT, UDUPI, AWARDING COMPENSATION OF RS.4,66,500/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

This appeal is filed by the KSRTC challenging the judgment and award dated 31.01.2025 passed in MVC No.955/2022 by II Additional Senior Civil Judge and Additional MACT, Udupi.

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CNR: KAHC010254102025

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MFA No. 2839 of 2025

2. In spite of service of notice, respondents remained absent and unrepresented.

3. Respondents made a claim petition seeking for award of compensation for the death of Ananda Devadiga in a road traffic accident occurred on 08.09.2021 contending that the accident occurred due to rash and negligent driving by the driver of One Stage Carriage vehicle bearing registration No.KA-19-F-3381.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

| Sl. No. | Particulars        | Amount                |
|---------|--------------------|-----------------------|
| 1.      | Loss of dependency | Rs. 4,50,000/-        |
| 2.      | Funeral expenses   | Rs. 16,500/-          |
|         | <b>Total</b>       | <b>Rs. 4,66,500/-</b> |

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation. The respondents have filed the present appeal

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**CNR: KAHC010254102025**

contending that the contributory negligence is also on the part of the deceased as he was crossing the National Highway and compensation awarded by the Tribunal is on higher side.

6. Having heard the learned counsel for appellant, the Court has perused the impugned judgment, award and Trial Court records.

7. The accident occurred on 08.09.2021 and as on the date of accident, the deceased was aged sixty five (65) years. It is contended by the learned counsel for the appellant that the accident occurred at Udupi-Mangaluru road and it was a National Highway. The accident occurred at the time when the deceased crossed the road and the divider and he was standing in order to cross the further road, at that time, the accident occurred. Ex.P4 is the sketch of the spot of the accident and it indicates that the accident occurred at a distance of one (01) feet from the divider. There was no zebra crossing at the place of



**NC: 2026:KHC:51780**  
**MFA No. 2839 of 2025**

accident. The deceased was aged sixty five (65) years and the road leading from Udupi-Mangaluru is having heavy traffic and it is a National Highway. Considering the fact that there was no zebra crossing at the spot of the accident, there is a contributory negligence on the part of the deceased and it is assessed at 10%.

8. The claimants are sisters and brothers of the deceased. All the claimants are major and married persons. The deceased was a bachelor and was stated to be staying with the claimants and taking care of them. Considering the fact that the deceased was a bachelor and that the claimants are major and not dependent on the deceased, loss of estate can be awarded taking the savings of the deceased at 25% of his income. The Tribunal has taken the income of the deceased at Rs.15,000/-. Since the claimant was aged sixty five (65) years, multiplier applicable is '5'. In view of the same, loss of estate/savings of the deceased is calculated as under:

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MFA No. 2839 of 2025

Rs.15,000/- - 3/4th = Rs.3,750/- X 12 X 5 =  
Rs.2,25,000/-.

9. The Tribunal has also rightly awarded funeral expenses of Rs.16,500/-.

10. Considering all the above aspects, the claimants are entitled to total compensation assessed is as under:

| Sl. No. | Particulars                            | Amount                |
|---------|----------------------------------------|-----------------------|
| 1.      | Loss of estate/savings of the deceased | Rs. 2,25,000/-        |
| 2.      | Funeral expenses                       | Rs. 16,500/-          |
|         | <b>Total</b>                           | <b>Rs. 2,41,500/-</b> |

11. Since the deceased was contributed to the accident and his contributory negligence assessed at 10%, the claimants are entitled to 90% of Rs.2,41,500/- i.e., Rs.2,17,350/-.

12. Therefore, the claimants are entitled to total compensation of Rs.2,17,350/- as against Rs.4,66,500/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

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CNR: KAHC010254102025

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MFA No. 2839 of 2025

13. In view of the above, the following:

**ORDER**

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The respondents/claimants are entitled to total compensation of Rs.2,17,350/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *The appellant/KSRTC shall deposit the total compensation amount with interest including the amount already deposited before the Tribunal within a period of six weeks from this day.*
- iv) *The amount in deposit is ordered to be transmitted to the Tribunal.*
- v) *The share among the respondents/claimants as determined by the Tribunal and order of deposit remains unaltered.*

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**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**