



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3726 OF 2023(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.4998 OF 2024(MV-D)

IN MFA No. 3726/2023

BETWEEN:

THE MANAGING DIRECTOR
B.M.T.C DEPOT,
K.H. ROAD,
SHANTHINAGAR,
BANGALORE-560027.
(OWNER OF INNOVA CAR BEARING
NO.KA-15-MG-231 WRONGLY TYPED
IN THE CAUSE TITLE)

...APPELLANT

(BY SRI. VIJAYA KUMAR D, ADVOCATE)

AND:

1. SRI SYED MABUVALI
S/O LATE BHASHUSAB,
AGED ABOUT 57 YEARS,
2. SMT. S .SHAMINABHI
W/O SYED MABUVALI,
AGED ABOUT 53 YEARS,
3. SRI S NOOR MOHOAMMAD,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



S/O SYED MABUVALI,
AGED ABOUT 35 YEARS,

4. SHEK RAJIYA
D/O SYED MABUVALI,
AGED ABOUT 25 YEARS,

ALL ARE R/AT NO.3-93,
MOPARLAPALLI RODDAM,
ANANTHAPUR,
ANDHARA PRADESH-515 123.

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE FOR R1 - R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.06.03.2023 PASSED IN MVC
NO.7326/2018 ON THE FILE OF THE JUDGE, COURT OF SMALL
CAUSES AND MEMBER, MACT, BENGALURU, (SCCH-9),
AWARDING COMPENSATION OF RS.20,00,000/- WITH
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION
TILL THE DATE OF REALIZATION.

IN MFA NO. 4998/2024

BETWEEN:

1. SRI SYED MABUVALI
S/O LATE BHASHUSAB
AGED ABOUT 58 YEARS
2. SMT. S. SHAMINABHI
W/O SYED MUBUVALI
AGED ABOUT 54 YEARS
3. SRI. S. NOOR MOHAMMED
S/O SYED MUBUVALI
AGED ABOUT 36 YEARS



4. SHEK RAJIYA
D/O SYED MUBUVALI
AGED ABOUT 26 YEARS

ALL ARE RESIDING AT
#3-93, MOPARLAPALLI, RODDAM,
ANANTHAPURA,
ANDHRA PRADESH-515 123

...APPELLANTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTc DEPOT, K.H ROAD,
SHANTINAGAR,
BENGALURU-560 027

...RESPONDENT

(BY SRI. D. VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 06.03.2023 PASSED
IN MVC NO.7326/2018 ON THE FILE OF THE JUDGE, COURT
OF SMALL CAUSES, MEMBER, MACT, BENGALURU SCCH-9,
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. These appeals are directed against the judgment and award passed in MVC No.7326/2018 dated 06.03.2023 by the Judge of Small Cause Court and MACT, Bengaluru, (SCCH-9), (for short 'the Tribunal'), whereby the Tribunal has partly allowed the claim petition filed by the claimants by awarding compensation of Rs.20,00,000/- along with interest at 6% per annum.

2. The facts apposite for consideration as borne out from the pleadings are that, on 24.10.2018 at about 3:30 p.m., while one Syed Miyas, being a pedestrian on the extreme right side of the road, was crossing the road near RMZ Galleria, Bangalore, the driver of the BMTC bus bearing registration No.KA-57-F-0376 driving the said bus with high speed in a rash and negligent manner, dashed against him, as a result of which, he succumbed to the injuries. Thereafter, the jurisdictional police registered a case in Crime No.206/2018 against the driver of the BMTC bus and charge sheet was laid against the driver of the BMTC bus. Subsequently, a claim



petition was filed by the legal representatives of deceased Syed Miyas claiming compensation for his death.

3. The Tribunal, on assessment of oral and documentary evidence, has partly allowed the claim petition and directed the BMTC to deposit the compensation. Aggrieved by which, while the BMTC preferred MFA.No.3726/2023 questioning the liability and the quantum of compensation, the claimants preferred MFA.No.4998/2024 questioning the quantum of compensation.

4. We have heard the learned counsel Sri Vijayakumar D., for the BMTC and learned counsel Sri Gurudev Prasad K.T., for the claimants.

5. Apart from urging several contentions, learned counsel for BMTC would primarily contend that the Tribunal has erred while fixing the liability on the BMTC. He would specifically contend that the accident had occurred solely on the negligence of the deceased, since at the time of accident, the driver of the BMTC bus was driving the bus with utmost care and caution on the correct side of the road from Attur to Shivajinagar and the deceased pedestrian without watching the movement of the



bus, suddenly attempted to cross the road and came in contact with front right corner of the body of the bus and fell down and caught under front right side wheel of the bus. According to the counsel, the accident had occurred at the centre of the road where there was no zebra crossing. As such, the pedestrian was equally negligent to the occurrence of the accident. According to him, though the driver of the bus made his best effort to lodge a complaint, the jurisdictional police have failed to register the same. He also contended that PW.3 - the alleged eye witness has not seen the accident and in order to help the claimants, he has been cited as eye witness. By placing reliance on spot mahazar Ex.P2 and sketch - Ex.P3, learned counsel would contend that the accident had occurred due to the negligence of the deceased.

6. Additionally, he would contend that the Tribunal has erred in awarding compensation exorbitantly to the claimants by wrongly assessing the income and other aspects. Hence, he prays to allow the appeal filed by the BMTC by dismissing the appeal filed by the claimants.



7. *Per contra*, learned counsel for the claimants by supporting the impugned judgment contended that the Tribunal, after examining the evidence and the documents, has rightly fastened the liability on the BMTC. However, the Tribunal has grossly erred by taking into consideration the notional income of deceased at Rs.12,500/- as per Karnataka State Legal Services Authority chart, despite the claimants having placed sufficient documents like Ex.P12 - the salary certificate and the degree certificate of the deceased Exs.P7 to P10. According to him, deceased was earning salary of Rs.26,800/- at the time of accident, since he was working in Spar Hypermarket at Yelahanka. Accordingly, he prays to allow the appeal of the claimants by dismissing the appeal of the BMTC.

8. We have given our anxious consideration to the submissions made by the learned counsel for the respective parties. Perused the impugned judgment and award and the documents placed before us.

9. The points that would arise for our consideration are -



"(i) *Whether the Tribunal was justified in saddling the liability on the BMTC?"*

(ii) Whether the Tribunal was justified in assessing the income of deceased as per Karnataka State Legal Services Authorities chart without considering the materials on record?

10. As could be gathered from records, in the instant case, the accident in question is not in dispute.

11. We have carefully examined Exs.P1 to P6 i.e., the FIR and other investigation materials. Ex.P3 - sketch depicts that the accident caused at a junction when the bus came from Yelahanka Circle to proceed towards Bengaluru. The accident caused on the right side edge of the road i.e., near the divider. The bus came from Yelahanka Circle in the middle of the road and while passing through the junction to proceed towards Bengaluru, the bus dashed against the deceased, who was standing on the extreme right side of the road near the divider, as a result of which, the accident caused. It is the duty of the driver of the bus to observe the movement of the pedestrians on the road, that too, in a junction. This aspect of the matter



has been clarified by the police in the chargesheet - Ex.P6. Admittedly, the chargesheet has been laid against the driver of the BMTC which was not seriously challenged by the BMTC by placing sufficient evidence. Moreover, the evidence of eye witness P.W.3 clearly reveals that the driver of BMTC drove the same in a rash and negligent manner and dashed against the deceased who was making attempt to cross the road. Had the driver of the heavy vehicle like bus, who can have the clear view of the road at his seat, exercised due care and observed the same, he could have easily avoided the accident. In such circumstance, we have no hesitation to hold that the accident caused due to the negligence of the driver of the BMTC bus.

12. As regards the quantum of compensation, the Tribunal has erred by not considering Ex.Ps7 to 10 and Ex.P12. These documents clearly depict that the deceased was an M.Com. graduate and was employed in Spar Hyper Markets India Pvt. Ltd. situated at Yelahanka, Bangalore, and he was drawing salary of Rs.26,800/- per month. However, the author of Ex.P12 or the employer has not been examined by the claimants. Nevertheless, the fact remains that the deceased was an M.Com. graduate and he was working in a Private



Limited Company. In such circumstances, we are of the view that the Tribunal ought not to have taken into consideration the notional income of the deceased as per the chart of Karnataka State Legal Services Authority. According to us, in view of the educational qualification and the avocation of the deceased, it would be just and appropriate to assess the income of the deceased at Rs.18,000/- per month.

13. Since the deceased was aged 24 years, the multiplier to be adopted would be '18' and 40% requires to be added towards future prospects and since he was a bachelor 50% requires to be deducted towards living expenses, which would make the income of the deceased at Rs.12,600/- (Rs.18,000 + 40% - 50%). Thus, the claimants would be entitled to **Rs.27,21,600/-** (Rs.12,600 X 12 X 18) towards loss of dependency as against Rs.18,90,000/- awarded by the Tribunal.

14. The claimants, being parents and siblings of deceased, would also be entitled to Rs.44,000/- each i.e., in all, **Rs.1,76,000/-** towards loss of consortium and **Rs.36,000/-** under conventional head.



15. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Loss of Dependency	18,90,000	27,21,600
2.	Loss of estate and funeral expenses	30,000	36,000
3.	Loss of consortium	80,000	1,76,000
	Total	20,00,000	29,33,600

16. Accordingly, the claimants would be entitled to the total compensation of **Rs.29,33,600/-** as against Rs.20,00,000/-, along with interest at the rate of 6% per annum from the date of petition till its realization. The claimants, however, would not be entitled for interest for the delayed period of 417 days in filing this appeal.



17. The BMTC is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

18. The amount in deposit shall be transferred to the concerned Tribunal. The apportionment of the amount of compensation shall be in terms of the award of the Tribunal.

19. Accordingly, the point No.1 raised above is answered in the affirmative and point No.2 raised above is answered in the negative. In the result, the appeal of the claimants is ***allowed in part***. Consequently, the appeal of the BMTC is ***dismissed***.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE