



CNR: KAHC010256042017

NC: 2026:KHC:36344
MFA No. 2560 of 2017
C/W MFA No. 3746 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.2560 OF 2017(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.3746 OF 2016(MV-D)

IN MFA No. 2560/2017

BETWEEN:

1. PUSHPALATHA,
W/O. LATE VEERAPPAJI & RAVI,
AGED ABOUT 27 YEARS,
2. KISHAN,
S/O. LATE VEERAPPAJI @ RAVI,
AGED ABOUT 5 YEARS,
3. HRUTHIK,
S/O. LATE VEERAPPAJI @ RAVI,
AGED ABOUT 3 YEARS,

(THE APPELLANT NO.2 AND 3 ARE
BEING MINOR,
REPRESENTED BY THEIR
NATURAL GUARDIAN MOTHER
IS 1ST APPELLANT HEREIN),

ALL APPELLANTS ARE
R/AT BACHANAHALLI VILLAGE,
HALLI MYSORE HOBLI,

Digitally signed
by PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



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HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 201.

...APPELLANTS

(BY SRI. GIRISH B BALADARE, ADVOCATE)

AND:

1. THE DIVISIONAL CONTROLLER,
KSRTC, MYSORE DIVISION,
MYSORE - 570 001.
2. THE DEPOT MANAGER,
KSRTC, K.R. NAGAR TALUK,
MYSORE DISTRICT - 571 602.
3. SWAMY @ SWAMANNA,
S/O. CHANNAPPA,
AGED ABOUT 62 YEARS,
R/AT BACHANAHALLI VILLAGE,
HALLI MYSORE HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 201.
4. PUTTAGOWRAMMA,
W/O. SWAMANNA,
AGED ABOUT 55 YEARS,
R/AT BACHANAHALLI VILLAGE,
HALLI MYSORE HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 201.
5. KUMAR B.D.,
S/O. LATE DYAVAI AH,
AGED ABOUT 36 YEARS,
RESIDING AT BHERYA VILLAGE,
HOSA AGRAHARA HOBLI,
K.R. NAGAR TALUK,
MYSORE DISTRICT - 571 602.

...RESPONDENTS

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA., ADVOCATE FOR
R1 AND R2;



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SRI.CHETHAN B., ADVOCATE FOR R3 AND R4)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 01.02.2016 PASSED IN MVC NO.1975/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., HOLENARASIPUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 3746/2016

BETWEEN:

1. THE DIVISIONAL CONTROLLER,
KSRTC, MYSURU DIVISION,
MYSORE - 570 001.
2. THE DEPOT MANAGER,
KSRTC, K.R. NAGAR DEPOT,
K.R.NAGAR.

...APPELLANTS

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

1. PUSHPALATHA,
W/O LATE VEERAPPAJI @ RAVI,
AGED ABOUT 27 YEARS,
2. KISHAN,
S/O LATE VEERAPPAJI @ RAVI,
AGED ABOUT 5 YEARS,
3. SWAMY @ SWAMANNA,
S/O CHANNAPPA,
AGED ABOUT 62 YEARS,
4. PUTTAGOWRAMMA,
W/O SWAMY @ SWAMANNA,
AGED ABOUT 55 YEARS,



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5. HRUTHIK,
S/O LATE VEERAPPAJJI @ RAVI,
AGE ABOUT 2 YEARS,
(RESPONDENT NOS.2 AND 5
BEING MINORS ARE REPRESENTED
BY THEIR NATURAL GUARDIAN,
RESPONDENT NO.1)

ALL ARE R/O BACHANAHALLI VILLAGE,
HALLIMYOSRE HOBLI,
H.N.PURA TALUK,
MYSURU DISTRICT - 573 201.

6. KUMAR B.D.,
S/O LATE DYAVAIAH,
R/O BHERYA VILLAGE,
HOSA AGRAHARA HOBLI,
K.R.NAGAR TALUK,
MYSURU DISTRICT - 570 007.
(DRIVER OF KSRTC
BUS NO.KA-09 F-4897).

...RESPONDENTS

(BY SRI.GIRISH B BALADARE, ADVOCATE FOR R1, R2 AND
R5;
(R2 AND R5 MINORS REPRESENTED BY R1);
RESPONDENT NO.6 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 01.02.2016 PASSED
IN MVC NO.1975/14 ON THE FILE OF THE SENIOR CIVIL
JUDGE & JMFC, HOLENARASIPUR, AWARDED
COMPENSATION OF RS.13,87,000/- WITH INTEREST AT
9% P.A. FROM THE DATE OF PETITION TILL THE DATE OF
DEPOSIT.

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



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CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

In MFA No.2560/2017

This appeal is filed by the appellants/claimants against the judgment and award dated 01.02.2016 passed in MVC No. 1975/2014 by the Senior Civil Judge & M.A.C.T at Holenarasipur.

2. Heard the arguments of learned counsel for both the parties and perused the materials on record.

3. Veerapaji @ Ravi met with an accident on 06.09.2014 and died subsequently. This application is filed by wife, children and parents of the deceased claiming compensation of Rs.50,00,000/- with interest at the rate of 18% p.a. The Tribunal considering the entire evidence on record granted an amount of Rs.13,87,000/- with interest at the rate of 9% per annum from date of petition till the date of deposit. Aggrieved by the said order, they preferred MFA No.2560/2017 contending that they spent Rs..2,00,000/- towards funeral expenses and transportation charges. He was



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working as a Medical Representative and also doing agriculture and earning Rs.30,000/- per month. The appellants have filed RTC Extracts at Ex.P10 and salary slips at Exs.P22, 23, 25 and 26. And his certificates regarding qualification are also filed. But the Tribunal erred in taking his income on lower side i.e., Rs.8,000/- per month and the amounts under the other heads are meagre and therefore, requested for enhancement of the compensation.

In MFA No.3746/2016

4. The Divisional Manager, Karnataka State Road Transport Corporation (for short 'Corporation') filed this appeal against the same award and mainly contended that the manner of accident shows that while Veerappaji @ Ravi was riding motorcycle bearing Reg.No.KA-13-EB-5630 at Holenarasipur-Mysuru Road, on the left side, KSRTC bus bearing Reg.No.KA-09-F-4897 came in a rash and negligent manner dashed against the deceased. Charge sheet is filed against the offending vehicle. It is stated that as on the date of accident, he was not working and earning. They examined driver and



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conductor as RW1 and RW2. And they stated that deceased was in an intoxicated state and riding the motor cycle and acting negligently and crossed the median line of the road on the wrong side of the road and they filed spot sketch under Ex.P5 but the Tribunal without considering spot sketch, IMV report fixed the entire negligence on the driver of the bus. Complainant who was an eyewitness mentioned in the complaint that the bus colluded with the motorcycle rider, dragging him for about 20 to 50 feet. But the spot sketch shows accident occurred in the middle of the road and the width of it is 25 feet. There is no drag marks. Tribunal has not fixed any negligence on the part of the deceased/rider of the motor cycle. As per IMV report under Exhibit P6, right side headlight indicator, right side bumper of the bus is damaged. This clearly shows that motorbike came on the wrong side of the road and dashed the bus. The claimants have not filed salary slips of the deceased for five months prior to the accident. Veerapaji @ Ravi resigned the job and was not employed anywhere. As such, the amount granted under the head loss of dependency is wrong and unreasonable. Tribunal



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erred in granting an amount towards love and affection which is on the higher side and thus, requested for setting aside the order of the Tribunal.

5. Heard the arguments of learned counsel for both the parties and perused the materials on record.

6. The driver of the bus in his evidence as RW.1 has stated that he was driving the bus in a moderate speed on the left side of the road, the Veerapaji @ Ravi without giving any signal suddenly turned towards right side of the road and lost control over the vehicle and dashed against the KSRTC bus but the petitioners/claimants colluded with the Police and created a false charge sheet against him. Accident occurred at 10.45 p.m. The Tribunal observed in the P.M. report, there is no reference to the intoxication of the alcohol. He was having Ex.P37-authorized Driving Licence of the motor cycle with gear. As per the spot sketch, the width of the road is 25 to 30 feet but the accident occurred in the middle of the road. Though complaint is given by a witness to the occurrence, he was not examined before the Court. No doubt, charge sheet is filed against driver of the offending vehicle but the perusal of the



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spot sketch and also IMV report clearly shows that there was contributory negligence on the part of Veerappaji @ Ravi and the said contributory negligence is to be fixed at the rate of 20%.

7. Learned counsel for the petitioners stated that the Veerapaji @ Ravi was working as a Medical Representative in a reputed medical company and earning a salary of Rs.30,000/- per month. Apart from that he was doing agricultural work and earning Rs.10,000/- per month and also grazing cow and selling milk and earning Rs.10,000/- per month. But the perusal of the salary slips filed by him shows that he was getting a salary of Rs.12,060/- per month as per Ex.P22, 23, 25 and 27 and later, it was enhanced to Rs.17,489/- and in January 2014 he was getting Rs.14,130/- per month. It was further stated that he resigned his job on 31.03.2014 and relieved from the company on 26.04.2014. But the accident occurred on 06.09.2014. The Tribunal observed that as on the date of accident he was not working and earning and thus, considered his notional income.



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8. Learned counsel for the respondent-Corporation stated that as he was not working at the time of the accident, he is not entitled for any compensation. Though he resigned his job as Medical Representative, it was brought on record that he was doing some other works and earning but no evidence is placed before the Court.

9. As he met with an accident in the year 2014, this Court finds it reasonable to take his notional income as Rs.8,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. He met with an accident at the age of 31 years and the relevant multiplier applicable is '16'. And he has entitled for 40% towards future prospects and 1/4 is to be deducted towards personal expenses. Hence, loss of dependency comes to **Rs.17,13,600/-** (Rs.8500 + 40% x 12 x 16 - 1/4).

10. As per the judgment of Hon'ble Supreme Court in the case of **National Insurance Company Limited vs. Pranay Sethi and Others**¹ petitioner No.1 is entitled for

¹ (2017)16 SCC 680



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spousal consortium of **Rs.40,000/-** and petitioners No.2 and 5 are entitled for an amount of **Rs.80,000/-** (Rs.40,000/- to each of them) towards parental consortium and petitioners No.3 and 4 are entitled for filial consortium of **Rs.80,000/-** (Rs.40,000/- to each of them). As per the judgment of Hon'ble Supreme Court in the case of ***Magma General Insurance Co. Ltd., v. Nanu Ram***² they are also entitled for **Rs.30,000/-** under the Conventional head. The total compensation comes to **Rs.19,43,600/-**.

11. The Corporation has already deposited Rs.15,000/- towards interim compensation and it has to be deducted. Thus, the total compensation comes to Rs.19,43,600/- - Rs.15,000/- = **Rs.19,28,600/-**. Accordingly, the compensation is enhanced from Rs.13,87,000/- to Rs.19,28,600/-.

12. It is already stated that Corporation is liable to pay 80% of the compensation as there is contributory negligence of 20% on the rider of the motorcycle. Corporation already deposited 50% of the compensation awarded by the Tribunal

² (2018) 18 SCC 130



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and they are directed to deposit the balance compensation with interest at the rate of 6% within one month from the date of the order on such deposit, and except the minor children, the others are permitted to withdraw the amount as per the apportionment of the Tribunal.

13. Thus in all, compensation awarded by this Court are as below:

Loss of dependency	:	Rs.	17,13,600/-
Loss of spousal consortium	:	Rs.	40,000/-
Loss of parental consortium	:	Rs.	80,000/-
Loss of filial consortium	:	Rs.	80,000/-
Conventional head	:	Rs.	30,000/-
TOTAL	:	Rs.	19,43,600/-
Less interim compensation	:	Rs.	15,000/-
TOTAL	:	Rs.	19,28,600/-

11. Accordingly, I pass the following:

ORDER

(i) MFA No.3746/2017 is ***partly allowed*** and
MFA No.2560/2017 is ***allowed***.



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(ii) The judgment and award dated 01.02.2016 passed in MVC No.1975/2016 by the Senior Civil Judge & MACT., at Holenarasipura is modified.

(iii) The claimants are entitled for a compensation of **Rs.19,43,600/-** along with interest at 6% p.a., from the date of petition, till its realization, instead of Rs.13,87,000/- awarded by the Tribunal.

(iv) The Corporation has already deposited Rs.15,000/- towards interim compensation and it has to be deducted and directed to deposit 80% of **Rs.19,28,600/-** along with interest at the rate of 6% per annum within one month from the date of this order.

(v) On such deposit, except the minor children, the others are permitted to withdraw the amount along with interest accrued on the same, as per the apportionment of the Tribunal.

(vi) The appellants-claimants are not entitled to interest for the delayed period of 308 days in filing the appeal.



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(vi) Registry is directed to transfer the amount in deposit to M.A.C.T.

(vi) Registry to send a copy of the judgment to the concerned Tribunal and the trial Court records.

Sd/-
(P SREE SUDHA)
JUDGE

PSJ
List No.: 1 Sl No.: 16