



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.3996 OF 2021 (MV-I)

BETWEEN:

BMTC, THE MANAGING DIRECTOR,
BMTC, NO.27, SHANTI NAGAR,
DOUBLE ROAD, BANGALORE-560027.

...APPELLANT

(BY SMT. SOHANI A. HOLLA, ADVOCATE)

AND:

SMT. SWATHI RAGHAVENDRA SHET
W/O. RAGHAVENDRA SHET,
AGED ABOUT 32 YEARS,
R/AT NO.S 204, SECOND FLOOR,
VISWAS OLIVE, NAGARBAVI MAIN ROAD,
BENGALURU NORTH, NAGARBAVI,
BENGALURU-560072.

...RESPONDENT

(BY SRI. NAVEEN KUMAR D. V, ADVOCATE AND
SRI. HARISH KUMAR B. G, ADVOCATES)

THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT, 1988 PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 25.03.2021 PASSED IN MVC.NO.2982/2019 ON THE FILE OF MOTOR ACCIDENTS CLAIM TRIBUNAL AND I ADDL. SMALL CAUSES JUDGE, (SCCH-11) AT BENGALURU INsofar AS AWARDING COMPENSATION Rs.8,70,539/- AND INTEREST AWARDED AT 9% PER ANNUM FROM THE DATE OF PETITION TILL REALIZATION AND THIS APPEAL BE ALLOWED BY SETTING ASIDE THE JUDGMENT AND AWARD AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Bangalore, in MVC.No.2982/2019 dated 25.03.2021.

02. Respondent herein filed a petition claiming compensation of Rs.24,00,000/- projecting that she sustained grievous injuries in a road traffic accident that occurred on 30.04.2019 and the driver of the appellant is responsible for the said accident. The Tribunal passed award holding that respondent is entitled to a sum of Rs.8,70,539/- as compensation and a direction was issued to the appellant to pay the same. The version of the appellant is that the order thus passed is devoid of merits.

03. Heard Smt. Sohani Holla, learned counsel for the appellant. Though, sufficient time was granted to the respondent to argue, respondent did not do so.



04. The matrix of the case as projected by the respondent before the Tribunal is that on 30.04.2019 around 09.10 a.m. while she was waiting for a bus near Nagarbhavi Circle at the bus stop to reach her office, appellant's bus bearing Reg.No.KA-57-F-1275 came. While she was boarding that bus, the driver of the bus moved the bus negligently, due to which she fell down from the bus and the wheel of the bus ran over her leg and thereby she sustained grievous injuries.

05. Arguing the matter, learned counsel for the appellant contented that the driver of the bus was not at all responsible for the accident to occur. The accident occurred due to sole negligence on the part of the respondent. Respondent tried to board a running bus, due to which she fell down and sustained injuries. Without appreciating the plea taken by the appellant, Tribunal fastened liability against the appellant which is improper. Learned counsel further contended that compensation



granted by the Tribunal is highly excessive. Tribunal granted a sum of Rs.96,000/- for physiotherapy. Respondent - claimant failed to produce any proof to show that she undertook physiotherapy. Learned counsel also stated that Tribunal directed appellant to pay interest at the rate of 9% per annum which is excessive. Learned counsel thereby sought to allow the appeal and to exonerate the appellant from liability to pay compensation to the respondent.

06. To substantiate her case and to establish her version regarding the manner in which she sustained injuries, respondent apart from examining herself as PW.1 produced Ex.P.1 - copy of FIR, Ex.P.2 - copy of complaint, Ex.P.3 - copy of sketch, Ex.P.4 - copy of mahazar, Ex.P.5 - copy of IMV report and Ex.P.7 - copy of charge-sheet. Except evidence of RW.1, no other evidence is produced by the appellant to prove that respondent was at fault and due to her negligence she fell down and sustained injuries.



Appellant nowhere contended that the driver of the bus gave information to police immediately after the accident. Likewise, appellant did not give any complaint to police stating that respondent fell down while boarding a running bus due to her own negligence and also indicating the manner of happening of the incident. There is no denial of the fact that after due investigation, police laid charge-sheet against the driver of the appellant only by mentioning that due to his negligence the accident occurred. Therefore, this Court is of the view that Tribunal did not err in coming to a conclusion that the respondent established that the accident occurred due to the negligence of the driver of the appellant.

07. Coming to quantum, respondent succeeded in establishing that she sustained grazed abrasion over lateral aspect of left thigh, extensive degloving injury on the medial aspect of left leg, laceration including dorsum of foot with dislocation of left foot extending from knee. Respondent also established that she took extensive



treatment, as inpatient for 16 days and during the course of treatment she underwent a surgery. However, as rightly contended by learned counsel for the appellant, respondent failed to produce substantive proof to show that she incurred a sum of Rs.96,000/- for physiotherapy. Neither the physiotherapist who conducted physiotherapy was examined nor the genuineness of the bills in respect of the said physiotherapy was proved. Having considered the fact that the accident occurred in the year 2019 and the nature of injuries sustained, this Court is of the view that for the relevant period even on higher side, respondent would not have incurred more than a sum of Rs.25,000/- for such physiotherapy. Thus, the amount paid in excess, for the purpose of physiotherapy is Rs.71,000/-. Though, learned counsel for the appellant contended that compensation granted under all other heads is excessive, this Court does not find anything as such. Therefore, this Court considerable to allow the appeal to the extent of reducing the sum awarded as



compensation by Rs.71,000/-. Likewise, this Court does not find any grounds to reduce the interest awarded on the compensation payable. Therefore, the appeal is disposed of with the following:-

ORDER

- I. The appeal is allowed in part.
- II. The compensation that is granted by the Motor Accident Claims Tribunal, Bangalore through orders in MVC.No.2982/2019 dated 25.03.2021 is reduced by Rs.71,000/-.
- III. The amount if any in deposit be transmitted to the concerned Tribunal forthwith.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

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