



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.132 OF 2019 (MV-D)

BETWEEN:

1. SMT GOWRAMMA
W/O. LATE. ANAND MURTHY,
AGED ABOUT 49 YEARS
2. SRI. DAYANANDA A
S/O. LATE. ANAND MURTHY,
AGED ABOUT 30 YEARS
3. SRI. CHETHAN A
S/O. LATE. ANAND MURTHY,
AGED ABOUT 29 YEARS

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

ALL ARE R/AT NO. 435,
OPPOSITE TO HANUMNE GOWDA BUILDING,
ANCHEPALYA, TUMKUR ROAD,
SRIKANTAPURA,
BENGLAURU NORTH TALUK.

...APPELLANTS

(BY SRI. RAGHU R., ADVOCATE)

AND:

THE MANAGING DIRECTOR,
KSRTC, KH ROAD,



SHANTHINAGAR,
BENGLAURLU - 560027

...RESPONDENT

(BY SMT. H.R. RENUKA, ADVOCATE)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 29.09.2018 PASSED IN MVC NO.5990/2017 ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE & MEMBER, MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Raghu.R learned counsel for the appellants as well as Smt.Renuka.H.R learned counsel for the respondent.

2. The claimants in MVC No.5990/2017 which stood pending before the Motor Accident Claims Tribunal Bengaluru and was disposed of through order dated 29.09.2018, filed this appeal seeking enhancement in compensation. Appellant No.1 being the wife, and appellant Nos.2 and 3 being the sons of the deceased



Ananda Murthy (herein after be referred to as 'the deceased' for brevity), who met with a road traffic accident in the year 2017 and succumbed to injuries, filed a petition claiming compensation. Tribunal attributing contributory negligence on part of the deceased to an extent of 25%, directed respondent to pay appellants 75% of the entitled amount which comes to Rs.7,46,775/- as compensation. Aggrieved by the same, this appeal is filed.

3. The submission of learned counsel for the appellants in respect of contributory negligence is that entire negligence lies on part of the driver of the respondent. As the driver of the respondent drove the bus which is involved in the accident in a rash and negligent manner and hit the deceased, the deceased sustained injuries and ultimately succumbed to those injuries. Therefore, the Tribunal ought to have held that respondent is liable to pay entire amount which the appellants are entitled to receive as compensation. Thus, attributing



contributory negligence to an extent of 25% on part of the deceased is unjustified.

4. Per contra, learned counsel for the respondent states that by the evidence that is produced by the appellants themselves it is clear that the deceased jumped the parapet wall and came on highway. Deceased ought not to have done so. Thus, due to the negligence of the deceased himself, he died and therefore, the observations of the Tribunal in that regard are valid.

5. The manner of happening of accident as projected by appellants before the Tribunal is that on 22.09.2017 at about 07.45 p.m. while the deceased was standing on the edge of the road to cross Bengaluru-Tumkur NH4 Express Road near Aparna Road lines, Anchepalya, KSRTC bus bearing registration No.KA-11-F-0314 which was coming from Bengaluru side towards Tumkur at a high speed and in a rash and negligent manner dashed against the deceased due to which the deceased fell down and succumbed to injuries on the spot.



The Tribunal placing reliance upon the evidence of PWs.1 and 2, RW1, Ex.P1 copy of FIR, Ex.P2 copy of complaint, Ex.P3 copy of spot mahazar, Ex.P4 copy of rough sketch, Ex.P5 copy of IMV report, Ex.P8 copy of charge sheet and Ex.R1 copy of complaint came to a conclusion that the deceased contributed for the accident to occur and his contribution is to an extent of 25%. There is no dispute about the fact that parapet wall was constructed on both sides of highway at the place of accident to avoid pedestrian walk. Even though such walls are present, the deceased came on highway and thereby he was hit by respondent's bus. Thus, having considered the evidence produced this Court is of the view that there are no grounds to interfere with the findings given by the Tribunal that there is contributory negligence on part of the deceased and such contributory negligence is to an extent of 25%.

6. Coming to quantum, the version of the appellants is that the deceased by working as store in-



charge at Kappa Electrical Company, Bengaluru was earning Rs.20,000/- per month. Sufficient evidence was produced by the appellants to show that the deceased was drawing Rs.12,450/- per month from April to September-2017. However, Tribunal took the notional income of the deceased as Rs.9,563/- per month. As the appellants succeeded in establishing that the earnings of the deceased was Rs.12,450/- per month, Tribunal ought to have taken the said figure into consideration. Thus, taking the income of the deceased as Rs.12,450/- per month and without disturbing other parameters i.e., adding of 10% towards future prospects and deducting $\frac{1}{3}^{\text{rd}}$ of the earnings towards personal and living expenses, which the deceased would have incurred for himself had he been alive and applying appropriate multiplier '11', the compensation which the appellants are entitled to receive towards 'loss of dependency' is as under:



Description	Amount In Rs.
Income	12,450-00
Annual Income (12,450X12)	1,49,400-00
On adding 10% towards future prospects	1,64,340-00
On deducting 1/3 rd towards personal and living expenses	1,09,560-00
Loss of dependency, on applying appropriate multiplier '11'	12,05,160-00

7. Therefore, it is clear that appellants are entitled to a sum of Rs.12,05,160/- towards 'loss of dependency'. Also, appellant No.1 being the wife of the deceased is entitled to Rs.40,000/- towards loss of spousal consortium. Appellant Nos.2 and 3 being the children of the deceased are entitled to Rs.40,000/- towards loss of parental consortium. Further, appellants are entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. Thus, the total sum which the appellants are entitled to receive is as follows:



Sl. No.	Compensation	Amount in Rs.
1	Loss of dependency	12,05,160-00
2	Loss of spousal consortium	40,000-00
3	Loss of parental consortium	40,000-00
4	Funeral expenses	15,000-00
5	Loss of estate	15,000-00
Total		13,15,160-00

8. The compensation which the appellants are therefore entitled to receive from respondent is Rs.9,86,370 (Rs.13,15,160/- - 25%). Therefore, appeal is disposed of with the following:

ORDER

- (i) Appeal is allowed in part.
- (ii) Compensation, which the respondent is liable to pay the appellants is Rs.9,86,370/-.
- (iii) The compensation awarded carries interest at the rate of 6% per annum from the date of petition till the date of deposit.
- (iv) Respondent is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.



- (v) Out of the enhanced sum, appellant No.1 is entitled to 60% and appellant Nos.2 and 3 20% each.
- (vi) On deposit appellants are permitted to withdraw their respective shares.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 19