HC-KAR
CNR: KAHC010322452020

NC: 2026:KHC:44375
MFA No. 2082 of 2021
C/W MFA No. 2050 of 2021
MFA No. 2080 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2082 OF 2021(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.2050 OF 2021(MV-I)

MISCELLANEOUS FIRST APPEAL NO.2080 OF 2021(MV-I)

IN MFA No. 2082/2021

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, MAIN DEPOT,
BANNIMANTAPA, MYSURU,
NOW REPRESENTED BY ITS
CHIEF LAW OFFICER
KSRTC, BENGALURU-27

...APPELLANT

(BY SRI. F.S DABALI, ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

SMT LATHA
D/O GOVINDAPPA,
AGED ABOUT 28 YEARS,
TAVEREKERE VILLAGE,
GOWDAGERE HOBLI,
SIRA TALUK,
TUMKUR DISTRICT

...RESPONDENT

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 19.12.2019, PASSED IN MVC NO.446/2013, ON THE FILE OF THE SENIOR CIVIL JUDGE AND

JMFC., AND ADDITIONAL MACT, SIRA, AWARDING COMPENSATION OF RS.30,000/- WITH INTEREST AT THE RATE OF 6 PERCENT P.A., FROM THE DATE OF PETITION TILL ITS DEPOSIT.

IN MFA NO. 2050/2021

BETWEEN:

THE DIVISIONAL CONTROLLER,
KSRTC, MAIN DEPOT,
SHANTHI NAGAR,
REPRESENTED BY ITS
CHIEF LAW OFFICER,
KSRTC, BENGALURU-27

...APPELLANT

(BY SRI. F.S. DABALI, ADVOCATE)

AND:

SRI JAYANNA
S/O LINGANNA,
AGED 42 YEARS,
R/A VEERABOMMANAHALLI VILLAGE,
HULIKUNTE HOBLI, SIRA TALUK,
TUMKUR DISTRICT

...RESPONDENT

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19.12.2019 PASSED IN MVC NO.447/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, SIRA, AWARDING COMPENSATION OF RS.1,41,200/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TIL ITS DEPOSIT.

IN MFA NO. 2080/2021

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, MAIN DEPOT,
BANNIMANTAPA, MYSURU,
NOW REPRESENTED BY ITS
CHIEF LAW OFFICER
KSRTC, BENGALURU-27

...APPELLANT

(BY SRI. F.S DABALI, ADVOCATE)

AND:

SRI NAGARAJU
S/O GOVINDAPPA,
AGED ABOUT 30 YEARS,
TAVEREKERE VILLAGE,
GOWDAGERE HOBLI,
SIRA TALUK, TUMKUR DISTRICT

...RESPONDENT

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 19.12.2019, PASSED IN MVC NO.445/2013, ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC., AND ADDITIONAL MACT, SIRA, AWARDING COMPENSATION OF RS.1,55,600/- WITH INTEREST AT THE RATE OF 6 PERCENT P.A., FROM THE DATE OF PETITION TILL ITS DEPOSIT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The KSRTC has filed these three appeals against judgment and award dated 19.12.2019 passed in MVC Nos.445-447/2013 by the Senior Civil Judge and Addl. MACT, at Sira (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petitions and awarded compensation as under:

"***ORDER***

The petitions filed by the petitioners U/Sec. 166 of M.V Act are hereby partly allowed with cost of Rs.2,000/-.

The petitioner- Nagaraju in MVC No. 445/2013 is entitled to get compensation of Rs. 1,55,600/- with interest at the rate of 6% p.a. from the date of petition till its deposit. The liability of respondents No.1 and 2 is joint and several in nature.

The petitioner- Latha in MVC No. 446/2013 is entitled to get global compensation of Rs. 30,000/- with interest at the rate of 6% p.a. from the date of petition till its deposit. The liability of respondents No.1 and 2 is joint and several in nature.

The petitioner- Jayanna in MVC No. 447/2013 is entitled to get compensation of Rs.1,41,200/- with interest at the rate of 6% p.a. from the date of petition till its deposit. The liability of respondents No.1 and 2 is joint and several in nature.

Respondent No.2 is directed to deposit the compensation amount within a period of two months from the date of award.

Out of the total compensation amount, the petitioners in MVC 445 & 447/2013 shall invest 50% in F.D. in any Nationalized Bank of their choice for a period of 3 years and remaining 50% of award amount 18 M.V.C.445 to 447/2013 shall be ordered to be released in favour of the petitioners.

The petitioner in MVC No.446/2013, the compensation amount is very meager then entire amount shall be paid to the petitioner."

2. The brief facts of the case are, on 08.04.2013 at about 11:20 a.m., the claimants were travelling from Bangalore to Tumkur in a car bearing registration No.KA-05/D-4311 on NH-4 and when they reached near Jass Toll, Ordigere, Tumkur, a KSRTC bus bearing registration No.KA-06/F-513 driven by its driver, came behind the car and dashed the car. As a result, the inmates of the car sustained grievous injuries and they were taken to Government Hospital, Sira and they admitted as inpatients and took treatment. As such, all the injured-claimants filed separate claim petitions before the Tribunal in MVC Nos.445-447/2013.

3. The Tribunal, upon assessment of oral and documentary evidence, partly allowed the claim petitions and awarded compensation as stated supra. The said judgment is challenged by the KSRTC in these three appeals.

4. Heard learned counsel for the appellant-KSRTC in all the appeals.

5. Apart from urging several contentions, learned counsel for the appellant-KSRTC primarily contended that the Tribunal has grossly erred while partly allowing the claim petitions and awarding compensation by holding that on 08.04.2013 at about 11:20 a.m., the accident was caused between the KSRTC bus and the car bearing registration No.KA-05/D-4311 at Jass Toll, Ordigree, Tumkur due to the negligent driving of the driver of KSRTC. According to him, the Tribunal has not appreciated the evidence of RW.1-driver of KSRTC, wherein he has categorically stated that, after the accident, the KSRTC has written a letter to the toll authority, Ordigere, for CCTV footage of 08.04.2013, Though the said CCTV footage was not provided by the toll authority due to the technical reasons, Toll Authority subsequently issued an endorsement

that car bearing registration No.KA-05-D-4311 was not passed through the said toll on the date of accident. The same is produced at Ex.R1. Despite, the Tribunal erred in holding that the accident was caused at the said place by involving the KSRTC bus. Accordingly, he prays to allow the appeals by setting aside the judgment passed by the Tribunal.

6. I have given my anxious consideration to the submission made by learned counsel for the appellant-KSRTC and perused the impugned judgment and award so also the other documents made available before this Court.

7. As could be gathered from records, after the accident dated 08.04.2013, the jurisdictional Police registered a case against the driver of KSRTC in Crime No.114/2013 dated 08.04.2013 on the strength of complaint lodged by one Rangaswamaiah i.e., the owner-cum-driver of the car. Subsequently, after investigation, Kyathsandra Police laid charge sheet against the driver of the KSRTC bus. On perusal of investigation papers including charge sheet, the accusation is made against the driver of KSRTC that on the date of accident, after crossing the toll, the driver of KSRTC bus dashed against

the rear portion of the car, in which the claimants were travelling. No doubt in the evidence of RW.1-driver of KSRTC he has stated that in order to ascertain the genuineness of the accident and involvement of the car and KSRTC bus, a request letter was sent to the Toll Authority to provide CCTV footage pertaining to 08.04.2013, though those footage was not provided by the Toll Authority, an endorsement was issued by the Toll Authority that the car bearing registration No.KA-05/D-4311 in which the claimants were travelling was not passed on the said toll on the date of accident. However, the said endorsement is issued based on the request letter given by the KSRTC.

8. Nevertheless, the KSRTC has not examined the author of the endorsement and these aspects of the matter is also not reflecting in the charge sheet materials. In such circumstances, without any acceptable evidence to disprove the charge sheet and to prove the alleged endorsement issued by the Toll Authority, in my considered view, the Tribunal is justified in holding that the KSRTC has failed to prove the accident in question caused on 08.04.2013. This aspect of the

matter is dealt in detail by the Tribunal. Hence, I find no good ground to interfere in the said finding of the Tribunal in the absence of rebuttal evidence by the KSRTC. Accordingly, the appeals lack merit and same are ***dismissed***.

The amount in deposit, if any, shall be transmitted to the Tribunal.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 6