HC-KAR
CNR: KAHC010352022022

NC: 2026:KHC:44858
MFA No. 5514 of 2022
C/W MFA No. 4801 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5514 OF 2022(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.4801 OF 2022(MV-D)

IN MFA No. 5514/2022

BETWEEN:

1. JAYALAKSHMAMMA
   W/O LATE C.K. KEMPAIAH,
   AGED ABOUT 57 YEARS

2. SARASWATHAMMA
   W/O LATE C.KEMPAIAH,
   AGED ABOUT 54 YEARS

   BOTH ARE RESIDING AT
   NO.39, RAGHAVENDRA BADAVANE,
   SERI NAGARA,
   BENGALURU 560 050

...APPELLANTS

(BY SRI. SHANTHARAJ K, ADVOCATE)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

THE MANAGING DIRECTOR
KSRTC, CENTRAL OFFICE,
K.H ROAD, SHANTHINAGAR,
BENGALURU 560 027

...RESPONDENT

(BY SMT. RADHA B .P, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.01.2022 PASSED IN MVC

NO.280/2018 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MACT, RAMANAGARA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 4801/2022

BETWEEN:

THE MANAGING DIRECTOR
KSRTC, CENTRAL OFFICE
K.H ROAD, SHANTHINAGAR
BANGALORE-560 027
REP BY ITS CHIEF LAW OFFICER

...APPELLANT

(BY SMT. RADHA B.P, ADVOCATE)

AND:

1. SMT. JAYALAKSHMAMMA
W/O LATE C KEMPAIAH
AGED ABOUT 53 YEARS,

2. SMT SARASWATHAMMA
W/O LATE C KEMPAIAH
AGED ABOUT 50 YEARS,

BOTH ARE R/AT NO.39 RAGHAVENDRA
BADAVANE, SRI NAGARA
BANGALORE-560 050

...RESPONDENTS

(BY SRI. SHANTHARAJ K, ADVOCATE FOR R1 & R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.01.2022 PASSED IN MVC NO. 280/2018 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MOTOR ACCIDENTS CLAIMS TRIBUNAL, RAMANAGARA, AWARDING COMPENSATION OF RS.11,11,000/- WITH INTEREST AT 7 PERCENT P.A. FROM THE DATE OF PETITION TILL IS COMPLETE PAYMENT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals are directed against the judgment and award dated 21.01.2022 passed in MVC No.280/2018 on the file of Addl. Motor Accidents Claims Tribunal and Addl. Senior Civil Judge and JMFC at Ramanagara (for short, 'the Tribunal), whereby the Tribunal partly allowed the claim petition filed by the claimants and awarded total compensation of Rs.11,11,000/- with interest at the rate of 7% per annum.

2. The brief facts which are necessary for disposal of these appeals are, on 13.05.2018 at about 12:00 noon, C. Kempaiah (deceased) was travelling in a Maruthi car bearing registration No.KA-01/N-3278 from Mysore towards Bengaluru. When he reached near a place called Puttappanadoddi, B.M. Road, Channapatna Taluk, a driver of the KSRTC bus bearing registration No.KA-09/F-5357 came from opposite direction and dashed against the TVS XL and later crossed the divider and hit the motorcycle of C. Kempaiah. As a result, C. Kempaiah sustained grievous injuries and immediately, he was shifted to

the Govt. Hospital, Channapatna, however, he succumbed to the injuries during the course of treatment. As such, the legal representatives filed the claim petition before the Tribunal claiming compensation for the accidental death of C. Kempaiah.

3. The Tribunal, upon assessment of oral and documentary evidence, partly allowed the claim petition and awarded compensation as stated *supra*. The said award is challenged by the claimants in MFA No.5514/2022 and by the Insurance Company in MFA No.4801/2022.

4. Heard learned counsel for the respective parties.

5. Apart from urging several contentions, learned counsel for the appellant-KSRTC in MFA No.4801/2022 contended that the Tribunal has grossly erred in adopting multiplier at '9' by considering the age of the deceased as 59 years. According to her, the age of the deceased was mentioned as 59 years in the post mortem report and inquest panchanama, however, as per the Ration Card, the age of the deceased was 71 years at the time of accident. By filing an Application under Order XLI Rule 27 read with Section 151 of

CPC, along with the copy of the Ration Card she contended that subsequently after passing the judgment by the Tribunal, with great difficulty, the KSRTC has secured the copy of the Ration Card of the deceased, wherein his age is forthcoming as 71 years as on the date of accident. In such circumstances, she submits that I.A.No.2/2022 may be allowed and the age of the deceased could be considered as 71 years instead of 59 years for reduction of the compensation. Alternatively she contended that, by allowing I.A.No.2/2022, matter may be remitted back to the Tribunal for fresh consideration for production of Ration Card and other relevant documents to prove the age of the deceased by the KSRTC.

6. *Per contra*, learned counsel for the claimants contended that although the Tribunal is justified in considering the age of deceased at 59 years by placing reliance on the inquest panchanama and post mortem report in the absence of any other documents, the Tribunal is erred in not awarding just compensation. According to him, the Tribunal has failed to consider the avocation and proper income of the deceased. Further, he also contented that, the application filed by the

KSRTC at this belated stage cannot be considered. He also contented that, as per the judgment of the Hon'ble Apex Court in the case of ***SHISHUPAL @ SHISH RAM VS. SURJEET*** in ***SLP (CIVIL) NO.33915/2025***, no evidentiary value can be attached to the Aadhaar Card or Ration Card to consider the age of the deceased. With these submissions, he prays to dismiss the appeal filed by the KSRTC and to allow the appeal filed by the claimants.

7. I have given my anxious consideration both on the submission and perused the entire evidence on record.

8. As could be gathered from records, the occurrence of accident and involvement of KSRTC bus in the said accident are not in dispute. The Tribunal while awarding the compensation, considered the age of the deceased at 59 years placing reliance on Ex.P4-post mortem report and Ex.P5-inquest panchanama. In both these documents, the age of the deceased was stated as 59 years. No doubt, the KSRTC has not produced any documents before the Tribunal to discard the said assertion made by the claimants. However, in the affidavit accompanied to I.A.No.2/2022 filed by the KSRTC, it is stated

that the appellants were unable to secure the documents i.e., Aadhaar Card or Ration card of the deceased during the course of adjudication of the claim petition by the Tribunal. However, later, with great efforts, they secured the same and produced the certified copy of the Ration Card before this Court along with an application. On careful scrutiny of the Ration Card, it is evident that the age of deceased-C. Kempaiah was 66 years as on the date of issuance of ration card i.e., 24.07.2013. As the accident is of the year 2018, according to the Ration Card, the age of the deceased must be 71 years at the time of accident. However, the veracity of these documents has to be tested before the Tribunal with reliable evidence. Since the age of the deceased is seriously disputed by the KSRTC, there will be cascading effect on the compensation. As such, in my considered view, the matter requires reconsideration at the hands of Tribunal on the limited question of the age of deceased by extending opportunity to both the parties to lead evidence and to produce the documents, if they intend to rely upon before the Tribunal. Accordingly, I proceed to pass the following:

O R D E R

i. The appeals are ***disposed of***.

ii. The judgment dated 21.01.2022 passed in MVC No.280/2018 by the Addl. Motor Accidents Claims Tribunal and Addl. Senior Civil Judge and JMFC at Ramanagara, is set aside and the matter is remitted back to the Tribunal for fresh consideration.

iii. The parties are at liberty to lead any further evidence and to produce documents, if any.

iv. The Tribunal is at liberty to frame any additional issues, if requires to dispose of the case.

v. The parties shall appear before the Tribunal on **05.10.2026** without expecting any further notice.

vi. Since the accident is of the year 2018, the Tribunal is requested to dispose of the claim petition at the earliest.

vii. Registry is directed to send back the TCR along with certified copy of the judgment to the concerned Tribunal forth with.

In view of the facts and circumstances of the case, the KSRTC is directed to pay costs of Rs.10,000/- to the claimants before examination of witnesses and production of documents before the Tribunal.

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

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 17