



CNR: KAHC010479972023

NC: 2026:KHC:43958
MFA No. 6296 of 2023
C/W MFA No. 5194 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.6296 OF 2023(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.5194 OF 2023(MV-I)

IN MFA No. 6296/2023:

BETWEEN:

VIJENDRA SOMAPPA,
AGED ABOUT 39 YEARS,
R/AT NO.18/1, 1ST MAIN,
4TH CROSS, VEVEKNAGAR,
BENGALURU - 563 122,

PERMANENT R/OB OBALAPURA,
MEDIMALLASANDRA,
BENGALURU RURAL DISTRICT - 562 132.

...APPELLANT

(BY SRI. GURUDEV PRASAD K T., ADVOCATE)

AND:

THE MANAGING DIRECTOR,
BMTD DIVISION, K.H. ROAD,
SHANTHINAGAR,
BENGALURU.

...RESPONDENT

(BY SRI. D. VIJAYAKUMAR., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:25.05.2023
PASSED IN MVC NO.2984/2021 ON THE FILE OF THE XV
ADDITIONAL SMALL CAUSES JUDGE AND XXIII ACMM, MAYO
HALL UNIT, MACT, BENGALURU, (SCCH-19), PARTLY



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ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO.5194/2023:

BETWEEN:

THE MANAGING DIRECTOR
BMTc DIVISON,
K.H. ROAD, SHANTHINAGAR,
BANGALORE - 560 027.

...APPELLANT

(BY SRI. VIJAY KUMAR D., ADVOCATE)

AND:

SRI. VIJENDRA
S/O SOMAPPA,
AGED ABOUT 39 YEARS,
R/AT NO.18/1, 1ST MAIN,
4TH CROSS, VEVEKNAGAR,
BENGALURU - 563 122,

PERMANENT R/OF OBALAPURA,
MEDIMALLASANDRA,
BENGALURU RURAL DISTRICT - 562 132.

...RESPONDENT

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT, AGAINST THE JUDGMENT AND AWARD
DATED:25.05.2023 PASSED IN MVC NO.2984/2021 ON THE
FILE OF THE XV ADDITIONAL SMALL CAUSES JUDGE AND
XXIII ACMM, COURT OF SMALL CAUSES, MACT, MAYO HALL
UNIT, BENGALURU, (SCCH-19), AWARDED
COMPENSATION OF RS.4,61,600/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL ITS
REALIZATION.

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



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CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

These appeals being MFA No.5194/2023 and MFA No.6296/2023 by the Corporation as well as the claimant, assailing the Judgment and Award dated 25.05.2023 passed by the MACT, Bengaluru (SCCH-19) in MVC No.2934/2021.

2. Both the appeals are filed calling in question the liability i.e., contributory negligence, by the Corporation for considering higher percentage on the claimant and also quantum. Whereas the Claimant for setting aside the same and also on quantum.

3. The parties are referred to as per their ranking before the Tribunal.

4. Facts germane to file the present appeals are as under:

In an accident occurred on 05.04.2021 at about 9:30 am, involving the two wheeler bearing Registration No.KA-



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01/EY-8603 and BMTC bus bearing Registration No.KA-57/F-3276, on Outer ring road, from Ibbaluru towards Agra, near Military camp gate, the claimant who was the rider of the motorcycle received grievous injuries, resulting in disability. The Tribunal after going through the evidence placed on record, both ocular and documentary, comes to the conclusion that both the rider of the motorcycle and driver of the BMTC bus have contributed at the ratio of 40:60 respectively to the accident and awarded total compensation of Rs.7,69,207/- with interest @ 6% per annum from the date of petition till realization, directing the BMTC to deposit 60% of compensation awarded ie., Rs.4,61,525/- rounded off at Rs.4,61,600/- along with interest @ 6% per annum from the date of petition, till realization. It is this Judgment passed by the Tribunal is called in question in these appeals, both on liability as well as quantum, as stated afore.



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5. Heard, Sri.D.Vijaya Kumar, learned counsel appearing for the Corporation and Sri.K.T.Guru Prasad, learned counsel appearing for the Claimant.

6. Sri.D.Vijaya Kumar, with all vehemence submits that, as per the complaint as well as spot sketch, the rider of the two wheeler ventured to enter into the lane which was especially ear marked for BMTC Buses and rendered contributory negligence, which has resulted in an unfortunate accident. In that view of the matter, the contributory negligence ought to have been saddled at least 80% on the motorcyclist and 20% on the BMTC bus. Learned counsel further submits that in the event, this Court is of the opinion that contributory negligence be considered at lesser rate, then the same must not be lesser than 50% towards both the rider as well as driver of the BMTC bus. So far as quantum is concerned, he submits that the Tribunal has awarded exorbitant



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compensation under all the heads and the same requires reconsideration and sought to allow the appeal.

7. In contrast, Sri.K.T.Guru Prasad, submits that the BMTC though examined its driver and produced copy of the complaint, however not led any independent evidence to contend that it is the rider of the motorcycle who was responsible for the accident. The contents of the complaint clearly shows that the bus came from the hind side in a rash and negligent manner and dashed against the motorcycle, which has resulted in severe injuries resulting in disability, and sought to set-aside the finding of the Tribunal fastening contributory negligence on the rider of the motorcycle. So far as enhancement is concerned, learned counsel submits that, the compensation awarded by the Tribunal is inadequate when compared to the injuries suffered, disability resulted and the treatment undergone and expenses incurred and



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sought to allow the appeal filed by claimant and dismiss the appeal by the Corporation.

8. Having considered the rival submissions, this Court has gone through both the appeal papers as well as the Trial Court record.

9. As observed by the Tribunal, in the cross-examination, a specific suggestion was made to the rider /claimant/ PW.1, wherein he has categorically admitted the suggestion stating that 'there is a separate bus lane made for BMTC buses only'. He has further admitted that 'accident took place on the bus lane'. Though he has denied the suggestion that he entered the bus lane and responsible for the accident, but the witness voluntarily stated that, there was heavy traffic and he was taking left side, at that time the bus came from hind side and dashed against the motorcycle.



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10. The claimant in the complaint, has clearly stated as under:

"ಈ ದಿನ ದಿನಾಂಕ 05/04/2021 ರಂದು ನನ್ನ ತಾಯಿಯ ಮನೆ ಓಬಳಾಪುರ ಹೊಸಕೋಟೆಗೆ ಹೋಗಿ ವಾಪಸ್ಸು ನನ್ನ ಮನೆಗೆ ಬರಲು ನನ್ನ ಹೋಂಡಾ ಡಿಯೋ ಗಾಡಿ ನಂಬರ್ ಕೆಎ 01 ಎವೈ 8603 ರಲ್ಲಿ ಹೊರವರ್ತುಲ ರಸ್ತೆಯಲ್ಲಿ ಇಬ್ಬಲೂರು ಕಡೆಯಿಂದ ಹಗರ ಕಡೆಗೆ ಮುಖ್ಯರಸ್ತೆಯಲ್ಲಿ ಹೋಗುತ್ತಿದ್ದು, ಇಬ್ಬಲೂರು ಮಿಲ್ಟಿ ಕ್ಯಾಂಪ್ ಹತ್ತಿರ ಮುಖ್ಯ ರಸ್ತೆಯಲ್ಲಿ ಟ್ರಾಫಿಕ್ ಜಾಮ್ ಆಗಿದ್ದ ಕಾರಣ ಬೆಳಗ್ಗೆ ಸುಮಾರು 09-30 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಹೋಗುತ್ತಿದ್ದ ನಾನು ನನ್ನ ಗಾಡಿಯನ್ನು ಮುಖ್ಯರಸ್ತೆಯಲ್ಲಿರುವ ಬಸ್ ಲೇನ್‌ಗೆ ಚಲಿಸಿದ್ದೆ. ಅದೇ ವೇಳೆಗೆ ಬಂದು ಬಿಎಂಟಿಸಿ ಬಸ್ಸು ಚಾಲಕ ಬಸ್ಸನ್ನು ಬಸ್‌ಲೇನ್‌ನಲ್ಲಿ ಚಾಲನೆ ಮಾಡಿಕೊಂಡು ಬಂದು ನನ್ನ ಸ್ಕೂಟರಿಗೆ ಡಿಕ್ಕಿ ಮಾಡಿದ್ದು ಪರಿಣಾಮ ನಾನು ಗಾಡಿ ಸಮೇತ ರಸ್ತೆಯಲ್ಲಿ ಬಿದ್ದಾಗ ನನ್ನ ಗಾಡಿ ಡ್ಯಾಮೇಜ್ ಆಗಿದ್ದು ನನ್ನ ಎಡ ಮೊಣಕಾಲಿನ ಮೇಲೆ ಸದರಿ ಬಿಎಂಟಿಸಿ ಬಸ್ಸಿನ ಮುಂದಿನ ಬಲ ಚಕ್ರ ಹರಿದು ಪರಿಣಾಮ ನನ್ನ ಕಾಲು ಮುರಿದು ತುಂಬ ರಕ್ತಗಾಯವಾಯಿತು."

11. The Tribunal considering the cross-examination coupled with the averments made in the complaint, was of the opinion that the accident occurred only when the claimant ventured to rode in the lane which was especially ear marked as bus lane and it is also clearly stated in the spot sketch. In that view of the matter, fastened the



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contributory negligence at 40% on the rider of the motorcycle and 60% on the driver of the bus.

12. Though the motorcycle entered in the bus lane, the traffic in the said road was very heavy. The bus being a heavy vehicle, the driver ought to have exercised more caution and little circumspect to apprehend any such actions by any of the road user, in view of traffic involved in the road and ought to have driven the bus with more cautiousness. The said aspect of the matter is lacking in the case on hand. Mere fact that a person entered the lane specified to the bus, cannot give license to the driver of the bus to cause accident and to contend that since the person entered the bus lane, he is responsible for the accident coming in the free flow of the bus. In that view of the matter, the Tribunal after considering the entire material on record, has properly fastened contributory negligence on both, rider of the motorcycle and driver of the bus.



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13. Another reason for this Court to sustain the contributory negligence fastened on the driver of the bus is that, he was the last person having an opportunity to avoid the accident. Such caution was absent at the time of accident on the part of the driver of the bus. In that view of the matter, there is no interference required on the point of liability.

14. So far as quantum is concerned, this Court after going through the entire material on record, is of the opinion that the Tribunal has awarded 'just compensation' in respect of the injuries sustained.

15. For the reasons stated above, both the appeals fails and sans merits and are accordingly, ***dismissed***.

16. The amount in deposit in the Corporation's appeal shall be transmitted to the concerned Tribunal forthwith for disbursement.



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17. The Corporation shall deposit balance compensation along with interest @ 6% per annum, awarded by the Tribunal at the ratio of 60%, within six weeks from the date of receipt of certified copy of this order.

18. On deposit, the entire amount shall be released in favor of the claimant on proper identification.

19. Trial Court record, shall be transmitted to the concerned Tribunal forthwith, without causing any delay.

20. Given the facts and circumstances of the case, no order as to costs.

21. In view of dismissal of the appeals, pending interlocutory applications, if any, stand disposed of.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 14