



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 4618 OF 2025 (MV-D)

BETWEEN:

DIVISIONAL CONTROLLER
K.S.R.T.C. RURAL DIVISION,
MYSURU, K.S.R.T.C.,
CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR
BENGALURU – 560 027.
REP BY CHIEF LAW OFFICER

...APPELLANT

(BY SMT. MEGHA.S, ADVOCATE FOR
SRI. S.RAJASEHKAR, ADVOCATE)

AND:

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

1. NAGARAJU
S/O H.N.NINGAPPA,
AGED ABOUT 45 YEARS,
2. RENUKA
W/O NAGARAJU
AGED ABOUT 38 YEARS
3. BHAVYA H N
D/O NAGARAJU
AGED ABOUT 18 YEARS

RESPONDENT NOS.1 TO 3 ARE
R/AT HALEKOTE VILLAGE,
HALEKOTE HOBLI,



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HOLENARASIPURA TALUK,
HASSAN DISTRICT – 573 211.

4. NAGESHA
K.S.R.T.C. BUS DRIVER,
BADGE NO. 1183
PERIYAPATNA DEPOT
MYSURU DISTRICT – 571 107

...RESPONDENTS

(BY SMT. ANUPAMA.D.A, ADVOCATE FOR
SRI. GIRISH B BALADARE, ADVOCATE)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.02.2024 PASSED IN MVC NO. 699/2022 ON THE FILE OF THE COURT OF SENIOR CIVIL JUDGE AND JMFC, AT HOLENARIPURA, AWARDED COMPENSATION OF RS.24,33,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION. BARRED BY TIME.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The KSRTC, respondent before the Motor Accident Claims Tribunal (for short "Tribunal") is before this Court, questioning saddling of entire liability under the judgment and award dated 21.02.2024 in MVC No.699/2022 on the file of Senior Civil Judge and JMFC at Holenarasipur.



2. The brief facts of the case are that:

The respondents-claimants filed claim petition under Section 166 of the Motor Vehicles Act, claiming compensation for the accidental death of one Bharath son of claimants No.1 and 2 in a road traffic accident that occurred on 09.12.2021 involving motorcycle bearing No.KA-02/HB-5840 and KSRTC bus bearing No.KA-45/F-0004. It is stated that the deceased was aged about 20 years as on the date of accident and was earning a sum of Rs.30,000/- p.m. by doing agricultural work and also working as driver.

3. On issuance of notice, both respondents No.1 and 2 appeared before the Tribunal and filed their written statement while denying the claim petition averments contended that the accident took place due to rash and negligent act of the deceased. It is also stated that the police have filed false charge sheet against the driver of the KSRTC bus.



4. Before the Tribunal, claimant No.2/mother of the deceased got examined herself as P.W.1 and marked the documents as Ex.P1 to Ex.P13. On behalf of the respondents, driver of the KSRTC bus was examined as R.W.1 and marked the documents as Ex.R1 to Ex.R3.

5. The Tribunal, on scrutiny of the materials on record awarded total compensation of Rs.24,33,000/- on the following heads, along with interest at the rate of 6% p.a. from the date of petition till realization:

Loss of dependency to petitioners	Rs.16,20,000-00
Loss of future prospects	Rs. 6,48,000-00
Loss to estate	Rs. 16,500-00
Funeral expenses	Rs. 16,500-00
Consortium of Rs.44,000/- each to the petitioner Nos. 1 to 3	Rs. 1,32,000-00
TOTAL	Rs.24,33,000-00

While awarding the above compensation, the Tribunal assessed the income of the deceased at Rs.15,000/- p.m. notionally; deducted 50% towards personal expenses since the deceased was bachelor and adopted appropriate



multiplier of 18 and saddled the entire liability on the KSRTC. Questioning the saddling of entire liability on it, the KSRTC is before this Court in this appeal.

6. Heard learned counsel Smt.Megha S., for Sri.S.Rajashekar, learned counsel for the appellant-KSRTC and learned counsel Smt.Anupama D.A. for Sri.Girish B Baladare, learned counsel for respondents No.1 to 3. Perused the entire appeal papers including the record of the Tribunal.

7. Smt.Megha, learned counsel for the appellant-KSRTC would submit that the Tribunal committed a grave error in saddling entire liability on the KSRTC without examining the contention of the appellant-KSRTC that the deceased also contributed negligence towards occurrence of the accident. Learned counsel would submit that the deceased came from behind on his motorcycle and dashed against the KSRTC bus, when the KSRTC bus was entering the Bus-stand. Further, learned counsel would submit that the accident



occurred solely due to the negligence on the part of the deceased rider of the motorcycle as such, the Tribunal is not justified in saddling the entire liability on KSRTC. Further, learned counsel would submit that when the driver of the bus went to the Police Station to file a complaint on the date of accident, the same was not received and charge sheet is filed against the driver of the KSRTC bus. Thus, she submits that the Tribunal failed to consider the contributory negligence of the deceased and to reduce the quantum of compensation.

8. Smt.Anupama, learned counsel appearing on behalf of respondents No.1 to 3 would submit that the Tribunal taking note of the material on record, including police records rightly saddled the liability on the KSRTC. Further, referring to Ex.P6/spot sketch, she would submit that the deceased was coming on his motorcycle from Mysuru to Holenarasipura while the bus was coming from Holenarasipura and took right turn to enter Holenarasipura Bus-stand, at that point of time, the driver of the KSRTC bus



ought to have been more cautious. The driver of the KSRTC bus without noticing the motor bike coming from Mysuru side tried to enter the Bus-stand due to which, the accident took place. Thus, it is submitted that the accident took place solely due to negligence on the part of the driver of the KSRTC bus. Hence, she prays for dismissal of the appeal filed by the KSRTC.

9. Having heard the learned counsel for the parties and on perusal of the entire appeal papers including the records of the Tribunal, the only point which falls for our consideration is as to whether the Tribunal committed an error in saddling the entire liability on the KSRTC?

10. Answer to the above point would be in the negative for the following reasons:

The occurrence of accident on 09.12.2021 involving motorcycle bearing No.KA-02/HB-5840 and KSRTC bus bearing No.KA-45/F-0004 resulting in death of son of claimants No.1 and 2 one Bharath is not in dispute in this



appeal. The KSRTC is in appeal questioning saddling of entire liability on it.

12. Learned counsel for the appellant-KSRTC submits that the accident took place solely due to negligence on the part of the deceased rider of the motorcycle. We have perused the document Ex.P6 as well as other police records to appreciate the contention of the learned counsel for the appellant-KSRTC. A perusal of Ex.P6-sketch it is clear that while the bus was coming from Hassan to enter Holenarasipura Bus-stand, the driver of the bus took right turn without noticing that the deceased was coming from Mysuru side on his motorcycle. The driver of KSRTC bus who was coming from Hassan side to enter Holenarasipura Bus-stand ought to have been very cautious while taking right turn. A copy of the FIR also would state that the bus came in a very negligent manner and dashed to the motor bike. The story built up by the appellant-KSRTC that the bike came from behind and dashed against the KSRTC bus is not supported by any of the documents. All documents



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including police records would indicate that the driver of the KSRTC bus while taking right to enter Holenarasipura Bus-stand, dashed against the motorbike in which the deceased was coming from Mysuru side. Thus, the contention of the KSRTC has no merit and the appeal of the KSRTC deserves to be dismissed. Accordingly, the appeal is ***dismissed***.

The amount in deposit as well as the records of the Tribunal be transmitted to the concerned Tribunal.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**

MPK
CT:RK
List No.: 1 Sl No.: 9