



CNR: KAHC010264692017

NC: 2026:KHC:47676
MFA No. 2589 of 2017
C/W MFA No. 6761 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2589 OF 2017 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 6761 OF 2017 (MV-D)

IN MFA No. 2589/2017:

BETWEEN:

THE DIVISIONAL MANAGER
K.S.R.T.C., MYSORE BANGALORE ROAD,
OPP: KEB, MANDYA - 571 401.

NOW BY THE MANAGING DIRECTOR,
K.S.R.T.C. CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR,
BANGALORE - 560 027
REPRESENTED BY IT'S
CHIEF LAW OFFICER.

...APPELLANT

Digitally signed
by PADMASHREE
SHEKHAR DESAI

Location: High
Court of
Karnataka

(BY SRI. F S DABALI., ADVOCATE)

AND:

1. RUKMINI
W/O LATE LINGEGOWDA .S
AGED ABOUT 56 YEARS,
2. ANITHA
D/O LATE LINGEGOWDA .S
AGED ABOUT 31 YEARS,



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3. SUMA
D/O LATE LINGEGOWDA .S
AGED ABOUT 29 YEARS,
4. NAVEEN .L
S/O LATE LINGEGOWDA S
AGED ABOUT 27 YEARS,
5. PRAVEEN .L
S/O LATE LINGEGOWDA S
AGED ABOUT 23 YEARS,

ALL ARE RESIDENT OF INDIRA COLONY,
HALAGURU TOWN,
MALAVALLI TALUK,
MANDYA DISTRICT - 571 430.

...RESPONDENTS

(BY SRI. PRAMOD R., ADVOCATE FOR R1 TO R5)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 12.01.2017 PASSED IN MVC NO.547/2016 ON THE FILE OF SENIOR CIVIL JUDGE AND M.A.C.T. MALAVALLI, AWARDED COMPENSATION OF RS. 11,09,000/- WITH INTEREST AT 6% P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

IN MFA NO. 6761/2017:

BETWEEN:

1. RUKMINI
W/O LATE LINGEGOWDA .S
AGED ABOUT 56 YEARS,
2. ANITHA
D/O LATE LINGEGOWDA .S
AGED ABOUT 31 YEARS,
3. SUMA
D/O LATE LINGEGOWDA .S
AGED ABOUT 29 YEARS,



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4. NAVEEN .L
S/O LATE LINGEGOWDA .S
AGED ABOUT 27 YEARS,
5. PRAVEEN .L
S/O LATE LINGEGOWDA .S
AGED ABOUT 23 YEARS
ALL ARE R/O INDIRA COLONY
HALAGUR TOWN
MALAVALLI TALUK
MANDYA DISTRICT-571 404.

...APPELLANTS

(BY SRI. PRAMOD R., ADVOCATE)

AND:

THE DIVISIONAL MANAGER
K S R T C MYSORE , BANGALORE ROA
OPP: K.E.B, MANDYA-571401

...RESPONDENT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA., ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 12.01.2017 PASSED IN MVC NO.547/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND M.A.C.T.MALAVALLI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS HAVING BEEN HEARD AND RESERVED ON 19.08.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



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CAV JUDGMENT

The Court of Senior Civil Judge and MACT, Malavalli, passed an award in MVC No.547 of 2016 on 12.01.2017. One Lingegowda met with an accident on 21.03.2016. His wife and children filed claim petition claiming compensation of Rs.30,00,000/- with interest. The Tribunal, considering the entire evidence on record, granted an amount of Rs.11,09,000/- with interest at the rate of 6% per annum from date of petition till deposit.

2. Aggrieved by the said order, MFA No.2589 of 2017 is filed by Divisional Manager of KSRTC and he contended that the Tribunal erred in holding that accident occurred only due to the negligence of the driver of the bus as he was charge sheeted without considering the evidence of RW1. As per Exhibit P2 spot mahazar, there are brake marks of the bus of 30-35 feet and the spot is on the southern side of the tar road. It clearly shows that driver tried to avoid the accident by applying the brakes. The Tribunal ought to have held that there was contributing negligence on the part of the deceased. It is contended that complaint was given by the son of the deceased



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i.e. Naveen (petitioner No.4) and he is not an eye witness to the occurrence. The Tribunal has erred in taking the income of the deceased as Rs.18,643/- per month, which is his pension amount after retirement and without deducting the family pension of Rs.10,785/- per month. Lingegowda was retired as BWSSB employee and was receiving pension amount. After his death, his wife was receiving Rs.7,858/- per month and it needs to be deducted from the said amount. It is further contended that Tribunal deducted one third towards personal and living expenses, though petitioner Nos.2 and 3 are married daughters and petitioner Nos.4 and 5 are major sons of the deceased. Even petitioner No.4-Naveen is working in Water Board. As such, his wife alone is dependent on the income of deceased. The Tribunal granted excessive amount. Therefore, requested this Court to set aside the order.

3. Against the same award, the claimants have also filed MFA 6761 of 2017 for enhancement of compensation. They mainly contented that the grant of the loss of dependency is on lower side and the amounts granted under the other heads are



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also meagre. Therefore, requested for enhancement of compensation.

4. Heard the arguments of learned counsel for sides and perused the record.

5. On 21.03.2016, Lingegowda had been to Dalavaikodihalli village for his personal work from Halagur and after finishing the work, while he was returning to Halagur, he was standing on the left side of the road at Dalavaikodihalli bus stand. At that time, one KSRTC bus bearing registration No.KA-42-F-1111 was driven by the driver in a rash and negligent manner and dashed Lingegowda. As a result, he sustained grievous injuries and shifted to the hospital, but died on the way to the hospital. Charge sheet was filed against the driver of the bus.

6. KSRTC appeared through its counsel and filed written statement denying the rash and negligence of their driver and stated that compensation claim is excessive.



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7. It is stated that Lingegowda was a retired BWSSB employee and getting a pension of Rs.20,000/- per month, he was also doing agriculture and earning Rs.5,000/- per month. Exhibit P9 is the pension certificate which shows that he was getting Rs.18,643/- per month. The claimants have not filed any document to show that he was getting agricultural income apart from pension. As per Exhibit P5 PM report, he was aged 61 years. No other record is filed to prove his age. Therefore, the relevant multiplier is 7. Petitioner No.1 is wife, Petitioner Nos.2 and 3 are married daughters and petitioner Nos.4 and 5 are major sons of Lingegowda. Therefore, $1/5^{\text{th}}$ is to be deducted towards personal expenses as per the guidelines of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation¹**. As he was aged more than 60 years, he is not entitled for any future prospects. Thus, loss of dependency comes to Rs.12,52,810/- ($18,643 \times 12 \times 7 - 1/5$).

8. Further, as per the guidelines of the Hon'ble Supreme Court in the case of **Magma General Insurance Company**

¹ (2009) 6 SCC 121



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Limited vs. Nanu Ram Alias Chuhru Ram & others², and in the case of **United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others³**, the 1st petitioner being the wife of Lingegowda is entitled for Rs.40,000/- towards spousal consortium and petitioner Nos.2 to 5 – children of Lingegowda, each of them are entitled for an amount of Rs.40,000/- towards parental consortium. As per the guidelines of Hon'ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi⁴**, the petitioners are also entitled for Rs.30,000/- under the conventional heads. The total compensation comes to Rs.14,82,810/- with interest at 6% per annum as against Rs.11,09,000/- awarded by the Tribunal.

9. The award of compensation passed by the Tribunal is modified as under:

² (2018) 18 SCC 130

³ (2020) 9 SCC 644

⁴ (2017) 16 SCC 680



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Heads	Amount in Rs.
1. Loss of Dependency	12,52,810/-
2. Loss of Consortium	2,00,000/-
3. Towards conventional heads	30,000/-
Total	14,82,810/-

10. Learned counsel for the claimants has filed the judgment of Apex Court in SLP (C) No.26620 of 2023 in the case of ***Pramod Kumar Tiwari Vs. Prema Gautam and Others***, in which it was held as under:

6) xxx '*Sebastiani Lakra and others Vs. National Insurance Company Limited and Another, (2019) 17 SCC 465*', this Court observed that deductions cannot not be allowed from amount of compensation either on account of insurance or pensionary benefits or gratuity or grant of employment to kith and kin of the deceased. The Court in para 12 noted as thus –

"12. The law is well settled that deductions cannot be allowed from the amount of compensation either on account of insurance, or on account of pensionary benefits or gratuity or grant of employment to a kin of the deceased. The main reason is that all these amounts are earned by the deceased on account of contractual relations entered into by him with others. It cannot be said that these amounts accrued to the dependents or the legal heirs of the deceased on account of his death in a motor vehicle accident. The claimants/dependents are entitled to "just compensation" under the Motor Vehicles Act as a result of the death of the



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deceased in a motor vehicle accident. Therefore, the natural corollary is that the advantage which accrues to the estate of the deceased or to his dependents as a result of some contract or act which the deceased performed in his lifetime cannot be said to be the outcome or result of the death of the deceased even though these amounts may go into the hands of the dependents only after his death."

11. The learned counsel has further relied upon the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Birender and Others*** reported in ***AIR 2020 SC 434*** in which it was said that the term legal representative includes major married and earning sons of the deceased. Tribunal has bounden duty to consider their application irrespective of the fact that whether they are fully dependent on the deceased and not to limit their claim towards conventional heads only. The learned counsel also relied upon the judgment of the Apex Court in the case of ***Vimal Kanwar and Others Vs. Kishore Dan and Others*** reported in ***(2013)7 SCC 476***.



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12. In view of the above, MFA No.2589 of 2017 filed by the KSRTC is dismissed and MFA No.6761 of 2017 filed by the claimants for enhancement is allowed in part.

13. The Claimants are entitled for the total compensation of Rs.14,82,810/- with interest at 6% p.a. from the date of petition till the date of realization.

14. The KSRTC has already deposited 50% award amount before the Trial Court and therefore, they are directed to deposit the balance amount with interest at 6% per annum within one month from the date of this order. Amount in deposit is to be transferred to Tribunal.

15. It is contented by the learned counsel for KSRTC that petitioner Nos.2 and 3 are married daughters and petitioner Nos.4 and 5 are major sons of the deceased. Therefore, Petitioner Nos.2 to 5 are entitled for an amount of Rs.50,000/- by each of them and they are permitted to withdraw the same along with interest accrued on it.



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16. Petitioner No.1-wife of the deceased is permitted to withdraw the balance amount along with interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 63