



CNR: KAHC010430262023

NC: 2026:KHC:52861
MFA No. 5745 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 5745 OF 2023

(MV-I)

BETWEEN:

SMT. INDIRA,
W/O. MURUGENDRAPPA,
AGED ABOUT 59 YEARS,
OCC-AGRICULTURIST,
R/AT GINIVARA,
AVINAHALLI HOBLI, SAGAR TALUK,
SHIVAMOGGA DISTRICT - 577 401.

...APPELLANT

(BY SRI. VISHWANATH R. HEGDE., ADVOCATE)

AND:

1. SRI. ANANTHAPPA,
S/O BHADRA,
AGED ABOUT 47 YEARS,
OCC: DRIVER OF KSRTC,
R/AT BASAVANABEEDI,
ANANDAPURA HOBLI,
SAGAR TALUK,
D.L.NO.KA.15/19930000987,
DRIVER OF KSRTC BUS,
BEARING NO. KA.KA 17-F 1451.
2. SRI. SHIVAKUMARA,
S/O HANUMANTHAPPA,

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AGED ABOUT 41 YEARS,
R/AT SHIRALAKOPPA,
CONDUCTOR OF KSRTC,
BEARING NO.KA 17-F 1451,
BADGE NO. 1423.

3. THE DIVISIONAL MANAGER,
K.S.R.T.C DAVANAGERE DEPOT,
DAVANAGERE DISTRICT,
DAVANAGERE.
4. THE MANAGING DIRECTOR,
KGID,
VIDHANA VEEDHI,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. ASHOK N NAYAK, ADVOCATE FOR R3,
R-1, R2, AND R4 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 06.04.2023 PASSED IN MVC
NO.47/2019 ON THE FILE OF THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ADDITIONAL MACT, SHIVAMOGGA,
SITTING AT SAGAR, DISMISSING THE CLAIM PETITION FOR
COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

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ORAL JUDGMENT

1. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the appellant/claimant challenging the judgment of dismissal and award dated 06.04.2023 passed in MVC No.47/2019, on the file of V Additional District and Sessions Judge and Additional MACT, Shivamogga, sitting at Sagar (for short, 'the Tribunal').
2. Parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.
3. The case of the claimant in nutshell is that, on 09.12.2017 at about 01.35 p.m., the claimant while getting down from the KSRTC bus bearing Reg.No.KA-17/F-1415, in Ginivara bus stand, before she could get down from the bus, the conductor gave signal to the driver and the driver started the bus; because of that, she fell down from the bus and

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sustained grievous injury to her head and other parts of the body. Hence, she has taken treatment in Government hospital, Sagar, and Mc.Gann Hospital, Shivamogga. Hence, she claimed compensation from the respondents under different heads.

4. Respondent No.4 has filed the objection statement wherein, he denied the allegations made in the claim petition and denied the allegation that bus bearing Reg.No.KA-17/F-1415 was involved in the accident.
5. Respondent No.3 has filed the objection statement wherein, he denied the averments made in the claim petition. He would further contend that on 09.12.2017 in route No. 49/50, the senior driver i.e. respondent No.1 was driving the bus bearing Reg.No.KA-17/F-1451 from Sagara to Holebagilu and near Hulidevarabana, when the bus was stopped and passengers got down from the bus, the complainant was walking on the road after getting down from the bus and she lost balance and fell on the road and

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considering it, on humanitarian grounds, respondent No.2 enquired her that why she fell down and she told that, because of giddiness and immediately, she was sent to the hospital by calling an emergency vehicle. Thus, the claimant has sustained the injury when she was walking on the road and it is not because of fault of respondent Nos.1 and 2, who are the driver and conductor of the bus. He denied other averments made in the claim petition and further contended that, the vehicle bearing Reg.No.KA-17/F-1415 is not involved in the accident. Hence, he prays for dismissal of the claim petition.

6. Initially, the claim petition was filed by mentioning the vehicle number as KA-17/F-1415. Afterwards, the claimant amended the claim petition and changed the number of the vehicle as KA-17/F-1451.
7. After framing issues, recording evidence and hearing arguments, the Tribunal came to the conclusion that

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the vehicle bearing Reg.No.KA-17/F-1415 is not involved in the accident and there is a material contradiction between the police papers and the evidence of the parties regarding KSRTC bus number; thus, the claimant failed to prove that she sustained injury in a road traffic accident involving the offending bus and thereby, dismissed the claim petition.

8. Aggrieved by the same, the claimant/appellant is before this Court.
9. Heard the arguments of both sides.
10. The learned counsel for the appellant Sri Vishwanath R Hegde, would submit that the date of accident is 09.12.2017 at 1.30 pm. On the same day, the husband of the claimant lodged the complaint by mentioning the vehicle number as KA-17/F-1415, but the actual vehicle involved in the case is KA-17/F-1451. Because in the complaint, the vehicle number



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is mentioned as KA-17/F-1415, in the panchanama and seizure panchanama, the same vehicle number was shown. But, in the photographs at the time of seizure of the vehicle, vehicle bearing Reg.No.KA-17/F-1451 is visible and not KA-17/F-1415. Even the charge sheet is filed against the driver and conductor of KA-17/F-1451 and not KA-17/F-1415. Even, respondent No.1 in his evidence as RW1 has stated the vehicle number as KA-17/F-1451. After amendment, the claimant has stated the vehicle involved in the accident as KA-17/F-1451 and this factum is not disputed by the respondents. However, without considering these aspects, the Tribunal dismissed the claim petition only on the ground that there is a wrong mentioning of vehicle number in some of the police papers.

11. The learned counsel for the appellant would submit that claimant has sustained tenderness with swelling

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present over the occipital region. Hence, prayed for allowing the claim petition.

12. The learned counsel for respondent No.3 Sri Ashok N Nayak would submit that not only the wrong mentioning of vehicle number in the complaint, but the contention of the respondents is that after getting down from the bus while going further, the complainant fell on the ground and sustained injury and not while getting down from the bus and this is the contention taken by respondents in their objection statement and the same was admitted by the claimant while cross-examining RW1. Hence, there is no involvement of the offending bus in causing the accident. As far as injury is concerned, the claimant has sustained only the simple injury. She has not examined the doctor to assess disability.

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13. Having heard the arguments of both sides, verifying the appeal papers and Trial Court records, the points that arise for consideration are:

" (1) Whether the claimant establishes that she sustained injury in the road traffic accident involving KSRTC bus bearing Reg.No.KA-17/F-1451, i.e., while getting down from the bus she sustained injury?

(2) Whether the claimant is entitled for compensation? "

Finding of this Court on point Nos.1 & 2 is in the **'Affirmative'** for the following:

REASONS

14. The Tribunal has dismissed the claim petition mainly on the ground that the vehicle number mentioned in the complaint and in some of the police papers is KA-17/F-1415; after a long time, the vehicle was seized and even in the seizure panchanama, the same vehicle number was mentioned; merely because the

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claimant has amended the petition by mentioning the offending bus as KA-17/F-1451, that cannot prove her contention and thus, the contention of claimant was doubtful.

15. On careful perusal of the original claim petition, amended claim petition, police records, charge sheet and the evidence of both sides, it is clear that in the complaint the vehicle number is mentioned as KA-17/F-1415 and the same vehicle number is mentioned in the spot panchanama and also in the seizure panchanama. However, at the time of seizure of the bus, photographs were taken and in one of those photographs, the vehicle number is clearly visible. In that photograph, the vehicle number is mentioned as KA-17/F-1451 and it is from Sagara to Holebagilu and Sigandhuru. It is not in dispute that claimant was traveling in the bus, which is going to Holebagilu and she got down at Giniwara bus stand. The charge-sheet is also filed against the driver and

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conductor of the vehicle bearing Reg.No.KA-17/F-1451. Motor Vehicles Accident Report as per Ex.P.8 shows that the seized vehicle is KA-17/F-1451. Hence, mere wrong mentioning of vehicle number in the seizure panchanama itself cannot be a ground to say that the offending bus KA-17/F-1451 is not involved in the accident. The vehicle number is wrongly mentioned in the complaint which resulted in wrong mention of the same in the spot Panchanama and also in the seized Panchanama. But the seized vehicle is KA-17/F-1451.

16. In the objection statement of respondent No.3 and also in the affidavit evidence of RW1, it is clearly mentioned that the vehicle number is KA-17/F-1451 and not KA-17/F-1415.
17. With this background, the contention taken by respondent No.3 in the objection statement and also

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in the evidence of RW1 that vehicle is not at all involved in the accident is to be verified.

18. It is the contention of respondents that after the claimant got down from the bus and while walking, she fell on the road and while seeing the same, on humanitarian grounds, the conductor of the bus enquired with her and she told that she fell down due to giddiness; then the conductor called the emergency vehicle and sent her to the hospital. In the cross-examination, RW1 has deposed that, on the date of accident at Giniwara about 35 persons got down from the bus and the claimant got down slowly as the fourth person. He also admitted that, after starting the bus, he proceeded ahead and stopped the bus and he has deposed that the claimant was lying at a distance of about 20 to 30 feet from the spot.

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19. In this regard, in the charge sheet, in the claim petition and in the affidavit evidence of claimant, it is specifically stated that while the claimant was getting down from the bus, the driver started the bus without observing that she was getting down from the bus and the conductor had given signal to the driver to start the bus without observing that she was still getting down from the bus. In this regard in her cross-examination, the only suggestions put to claimant are that because of BP and diabetes, she had giddiness and fell on the road, which is denied by her. She denied the suggestion that because of the scorching Sun, she slipped and fell down and only to get compensation, she has filed a false case, which is denied by her.

20. The above facts establish that the offending bus in the present case is KA-17/F-1451 not KA-17/F-1415 and the contention of claimant that while getting down from the bus she fell down is not at all denied

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by the respondents while cross-examining her. The charge-sheet also establishes the same facts. Hence, this Court holds that the claimant has established that while getting down from the bus, she fell down. The wound certificate produced by the claimant as per Ex.P.9 establishes that the claimant has sustained some injury due to this accident. Hence, the finding of the Tribunal that claimant failed to establish these facts is erroneous and requires interference.

21. Ex.P.9 - the wound certificate reveals that claimant has sustained tenderness with swelling present over the Occipital region. After CT scan done at SIMS, the doctor opined that as CT scan was normal, the injury suffered by the claimant is simple in nature.
22. The claimant has produced some medical bills as per Ex.P.10. However, these medical bills are not supported by prescription chits of the doctor. No



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material is produced to show that for the injury sustained by the claimant in the accident, she has taken these medicines. Under these circumstances, those medical bills cannot be considered.

23. As the claimant has suffered only a simple injury, she is entitled for global compensation of **Rs.30,000/-**.
24. Accordingly, this Court passes the following:-

ORDER

- i. The appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 by the claimant is ***allowed in part.***
- ii. The judgment and award dated 06.04.2023 passed in MVC No. 47/2019, on the file of V Additional District & Sessions Judge and Additional MACT, Shivamogga, sitting at Sagar is **set aside.**

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- iii. The claimant is entitled for global compensation of **Rs.30,000/-**
- iv. The compensation shall carry interest at 6% per annum from the date of petition till realization.
- v. The respondent Nos.3 & 4 shall deposit the compensation amount with accrued interest before the Tribunal within a period of eight weeks from the date of receipt of certified copy of this judgment.
- vi. No order as to costs.
- vii. Draw the award accordingly.
- viii. Registry to transmit the TCR to the Tribunal forthwith.

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**(GEETHA K.B.)
JUDGE**