



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 7605 OF 2016 (MV-I)

BETWEEN:

THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION,
(VILLUPURAM DIVISION -II) LTD,
VELLORE REGION, VELLORE-632 009.
TAMILNADU STATE.

...APPELLANT

(BY SRI BOPANNA B, ADVOCATE)

AND:

S N BHARATH SWATHANTHRA KUMAR,
DEAD BY HIS LRS.

1. SMT. AMARAVATHY,
W/O LATE. S N BHARATH SWATHANTHRA KUMAR,
AGED ABOUT 38 YEARS,
R/AT KAMMASANDRA VILLAGE,
BEHTAMANGALA VILLAGE,
BANGARPET TALUK,
PIN CODE- 563 114.
2. DARSHAN GOWDA,
S/O LATE. S N BHARATH SWATHANTHRA KUMAR,
AGED ABOUT 61 YEARS,
REP. BY THE 1ST RESPONDENT AND NATURAL
MOTHER AND GUARDIAN, SMT. AMARAVATHY,
PIN CODE 563 114.
3. SMT. RAJAMMA,
W/O. LATE. S V NARAYANA GOWDA,



AGED ABOUT 83 YEARS,
R/AT KAMMASANDRA VILLAGE,
BEHTAMANGALA VILLAGE,
BANGARPET TALUK, PIN CODE-563 114.

...RESPONDENTS

(BY SRI T SRINIVASAN, ADVOCATE FOR RESPONDENTS
R2 MINOR REP BY R1)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 04.08.2016 PASSED IN MVC
NO.19/2003 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND MACT, K.G.F, AWARDED COMPENSATION OF RS.
1,75,467-00 WITH INTEREST AT 9% P.A. FROM THE DATE OF
FILING THE PETITION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

None appears for the appellant.

2. Learned counsel for respondent Nos.1 and 3 is
present and insists for the disposal of the appeal.

3. Heard the learned counsel for the respondent
Nos.1 and 3.

4. The appellant-Corporation has disputed the
accident and the quantum of the compensation awarded
by the Tribunal in MVC.No.19/2003 dated 04.08.2016. The



perusal of the impugned judgment as well as the records would reveal that a charge sheet was filed by the Police against the driver of the appellant-Corporation and the driver stood trial and was acquitted. The driver of the appellant-Corporation was examined as RW.1 before the Tribunal. In the cross-examination, RW.1 had stated that he was the driver of the offending vehicle on the date of the accident. When such statement is made by RW.1, it was incumbent upon the appellant-Corporation to produce the trip sheet to establish that the said vehicle was not plying on that route on the date of the accident. No such effort has been made by the appellant-Corporation to show that the vehicle was not plying on the route on the date of the accident. Therefore, the admission of the RW.1 that he was the driver of the vehicle as on date of the accident and that he had stood for trial before the Criminal Court, though was acquitted, would clearly establish that the vehicle was involved in the accident. Secondly, the delay of 08 days in filing the complaint alone cannot be a



ground to contend that there was no such accident in view of the judgment in the case of ***Ravi Vs. Badrinarayana and others***¹. Therefore, the contention taken up in the appeal memo that the vehicle was not at all involved in the accident cannot be accepted.

5. So far as the quantum is concerned, the Tribunal has considered the nature of the injuries suffered by the petitioner and has assessed the compensation. The records also reveal that the petitioner had sustained injuries on the left hand measuring 2x2 cm dorsal area, lacerated wound on left knee 6x4 cm, fracture of the left tibial shaft, left patella, fracture of proximal phalanx, 3rd, 4th and 5th finger of left hand and has produced the medical bills of Hosmat Hospital, Bengaluru, which alone is to the tune of Rs.1,22,467/-. The Tribunal after assessing the evidence available on record, has awarded a sum of Rs.1,75,467/- under following heads:

¹ 2011 ACJ 911, (2011) 4 SCC 693



SL. NO.	PARTICULARS	AMOUNT (IN RS.)
1	Medical expenses	1,22,467/-
2	Pain and sufferings	20,000/-
3	Loss of income during laid up period	18,000/-
4	Conveyance charges	5,000/-
5	Nourishment charges	5,000/-
6	Attendant charges	5,000/-
	TOTAL	1,75,467/-

6. Out of the said sum, as noted above, a sum of Rs.1,22,467/- is in respect of the medical expenses. Therefore, this Court do not find any reason to interfere in the judgment and award passed by the Tribunal.

7. In the light of the above discussion, the appeal is unmerited and therefore, the same is dismissed.

Sd/-
(C M JOSHI)
JUDGE