



CNR: KAHC010472532023

NC: 2026:KHC:46950
MFA No. 6208 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.6208 OF 2023(MV-D)

BETWEEN:

1. KARNATAKA STATE ROAD TRANSPORT,
CORPORATION (K.S.R.T.C),
CHITRADURGBA DIVISION,
CHITRADURGA - 577 501.
REPRESENTED BY ITS
DIVISIONAL CONTROLLER,

NOW REPRESENTED BY ITS
CHIEF LAW OFFICER
KSRTC, CENTRAL OFFICE
SHANTHINAGARA, K.H. ROAD,
BENGALURU - 560 027.

...APPELLANT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA., ADVOCATE)

AND:

1. SMT. SHASHIKALA B.,
W/O LATE SHANKAR R,
AGED ABOUT 52 YEARS,
HOUSEHOLD WORK,
2. NITHYA S.,
D/O LATE SHANKAR R,
AGED ABOUT 25 YEARS,
3. SANJAY S,
S/O LATE SHANKAR R,
AGED ABOUT 23 YEARS,



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THE RESPONDENTS NO.1 TO 3 ARE
R/O 2ND CROSS, BUDDANAGARA,
SANTHE MAIDANA RIGHT SIDE
GOPALA EXTENSION
SHIVAMOGGA - 577 201.

4. RAGHAVENDRA Y SINGAD,
S/O YELLAPPA,
AGED ABOUT 36 YEARS,
DRIVER OF KSRTC BUS BEARING
REGISTRATION NO.KA-17-F-1619
R/O WARD NO.6, SINGAD GALLI
ILKAL, HUNGUND ILKAL (RURAL)
BAAGALKOT - 587 125.

...RESPONDENTS

(BY SRI. DILIP KUMAR, ADVOCATE FOR
SRI.MADHUKAR M DESHPANDE.,ADVOCATE FOR R1 TO R3,
VIDE ORDER DATED 01.02.2024 NOTICE TO R4
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD DATED
13.02.2023 PASSED IN MVC NO.218/2021 ON THE FILE OF THE
II ADDITIONAL SENIOR CIVIL JUDGE AND AMACT-8,
SHIVAMOGGA, AWARDING COMPENSATION OF RS.18,81,000/-
WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF
PETITION TILL REALIZATION.

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



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

ORAL JUDGMENT

This appeal by Karnataka State Road Transport Corporation¹, assailing the Judgment and Award dated 13.02.2023, passed by the II Addl. Senior Civil Judge and AMACT-8, Shivamogga² in MVC No.218/2021.

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

3. Facts germane to file the present appeal are as under:

3.1 In an accident occurred on 08.03.2021, one Mr.Shankar.R, proceeding on his motorcycle bearing registration No.KA-14-EA-9623, succumbed to injuries, due to rash and negligent driving of the KSRTC bus bearing Registration No.KA-17-F-1619, by its driver. The claimants i.e., wife and children of

¹ KSRTC, for short

² the Tribunal, for short



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deceased Shankar, filed claim petition claiming that the deceased was earning Rs.25,000/- per month and claimed compensation of Rs.38,60,000/-.

3.2 Upon notice, respondents appeared through their respective counsel and filed separate statement of objections. They both denied the claim petition averments and specifically contended that the accident occurred due to rash and negligent riding of motor cycle by the deceased, as he lost control over the bike while trying to overtake a Tractor-Trailer and in the event the Tribunal comes to conclusion that the claimants are entitled for compensation, then 50% of contributory negligence should be saddled on the deceased and sought to dismiss the claim petition.

3.3 The Tribunal after completion of trial, appreciating the evidence on record, both ocular and documentary, awarded total compensation of



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Rs.18,81,000/- with interest @ 6% per annum from the date of petition till realization, considering the income at Rs.15,000/- per month, applying multiplier of 13, as the deceased was aged 50 years. It is this Judgment and Award passed by the Tribunal, is called in question in this appeal by the Corporation.

4. Heard, Sri.F.S.Dabali, learned counsel appearing for the appellant/Corporation and Sri.Dilip Kumar, learned counsel appearing on behalf of Sri.Madhukar Deshpande, learned counsel for the claimants.

5. Learned counsel Sri.F.S.Dabali, with all vehemence submits that the spot sketch was drawn on the next day of the accident and spot mahazar states that there is no marks available in respect of the spot shown in the spot sketch. He further submits that the deceased was riding the motorcycle in an intoxicated state, which is evident from Ex.P12 FSL report. Despite the same, the



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Tribunal has erred in not fastening contributory negligence on the deceased and sought to allow the appeal.

6. Sri.Dilip Kumar, argued in support of the Judgment and Award passed by the Tribunal and sought to dismiss the appeal.

7. Though learned counsel Sri.F.S.Dabali contended that, the spot sketch was drawn on the next day of the accident and the spot mahazar states that, there is no marks available in respect of the spot shown in the spot sketch, however the KSRTC has not disputed this document before the Tribunal, either by placing any contra evidence or by summoning the concerned Investigating Officer on the spot sketch.

8. Further, in Ex.P12 RFSL report, though the percentage of alcohol is 436.06 Mg/100 ml of blood, which is higher percentage when compared to the permissible percentage as provided under the provisions of the Motor Vehicles Act, 1988, the Corporation has not placed on



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record any material or examined any other witness to substantiate its contention that, riding under intoxication was the root cause for occurrence of the accident. Mere consumption of alcohol would not be sufficient to saddle contributory negligence on the deceased. That apart, the author of said document has not been examined to substantiate and corroborate the document. The spot sketch clearly indicates that, it was the bus which flied beyond the permissible use of road on the wrong side. In that view of the matter, this Court finds no error in the order passed by the Tribunal. The appeal fails and is accordingly, ***dismissed***.

9. The amount in deposit if any, shall be transmitted to the concerned Tribunal forthwith, for disbursement.

10. Entire balance amount shall be deposited by the Corporation before the Tribunal within six weeks from the date of receipt of certified copy of this order.



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11. Upon deposit, the apportionment and disbursement is as per the order passed by the Tribunal.

12. In view of dismissal of the appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(T.M.NADAF)
JUDGE**

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List No.: 1 Sl No.: 6
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