



CNR: KAHC010507502023

NC: 2026:KHC:43899
MFA No. 6641 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.6641 OF 2023(MV-D)

BETWEEN:

1. RUKMINI,
W/O LATE DEVARAJ,
AGED ABOUT 43 YEARS,
2. B.D. POORNIMA,
D/O LATE DEVARAJU,
AGED ABOUT 25 YEARS,
3. MAHADEVA B.D.,
AGED ABOUT 23 YEARS,
S/O LATE DEVARAJU,

APPELLANTS FROM NO.1 TO 3
R/O BANTARA TALALU VILLAGE,
HALLY MYSURU HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 201.

PRESENTLY R/AT
C/O RAMEGOWDA,
11TH CROSS ROAD,
KUVEMPU NAGARA,
HASSAN - 573 201.

...APPELLANTS

(BY SRI. GIRISH B BALADARE., ADVOCATE)

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



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AND:

1. THE MANAGER,
DIVISIONAL CONTROLLER,
B.M. ROAD,
HASSAN - 573 201.
2. DEPOT MANAGER,
KSRTC,
CHANNARAYAPATTANA TALUK,
HASSAN DISTRICT - 573 201.

...RESPONDENTS

(BY SRI. F.S. DABALI, ADVOCATE FOR R1 AND R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED: 01.03.2023 PASSED IN MVC NO.134/2018 ON THE FILE OF THE COURT OF PRL. SENIOR CIVIL JUDGE AND CJM, MEMBER, ADDITIONAL MACT, HASSAN, DISMISSING THE CLAIM PETITION FOR COMPENSATION.

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

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

ORAL JUDGMENT

This appeal by the claimant, assailing the judgment and award dated 01.03.2023 in MVC.No.134/2018 passed



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by the Principal Senior Civil Judge and CJM, Member,
Additional MACT, Hassan.

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

3. Heard Sri. Girish B.Baladare, learned counsel
appearing for the claimants and Sri F.S.Dabali, learned
counsel appearing for the Corporation.

4. Sri. Girish B.Baladare, with all vehemence
submits that, the Tribunal only on the aspect that, though
the complaint was registered against the driver of the
KSRTC, however in the charge sheet, it was shown that
the accident had occurred due to the rash and negligent
driving of the deceased-auto driver himself, and
succumbed to injuries, in view of the statement of charge
sheet witnesses stating that, it was the deceased auto
driver, who was rash and negligent in driving the auto,
dismissed the claim petition.



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5. He further submits that, a PCR was filed in PCR No.6/2018 before the Senior Civil Judge and JMFC, Holenarasipura, wherein the very same charge sheet witnesses have been examined and they have recorded a statement on oath stating that the entire negligence was on the driver of the bus, but the Tribunal has failed to consider, the statements of the charge sheet witnesses, recorded in the PCR in their true spirit.

6. The claimants have also examined one Puttegowda, the eyewitness to the accident as PW2. However, the Tribunal has not considered the evidence of said witness but overweighed the statements of charge sheet witnesses. In that view of the matter, the Tribunal dismissed the entire claim petition, filed under Section 166 of Motor Vehicles Act and sought to remand of the matter, to consider the statements which were recorded on oath before the Magistrate in PCR. He further submits that the statements made on oath before the Magistrate in PCR overweighs the 161 statements recorded while filing the



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charge sheet, as per evidence Act and sought to remand the matter.

7. Refuting the submissions of Sri.F.S.Dabali, with all vehemence, submits that the Tribunal after properly considering the statements recorded, by the police while filing the charge sheet and the statement recorded before the Magistrate, has considered the entire case and comes to a conclusion that there is no involvement of bus it is the driver of deceased auto who was responsible for the accident and dismissed the claim petition. As such the case does not call for any interference and thus sought to dismiss the appeal.

8. This Court having heard the rival submissions, perused the entire appeal papers as well as the trial Court record.

9. It is not in dispute that the police earlier registered the case against the driver of the KSRTC bus. However, during the course of investigation on the basis of



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the statement of one Bhagyalakshmi and Nagamma, who has stated against the driver of the auto, abated charge sheet came to be filed against the driver of the auto, stating that he is responsible for the accident and there is no involvement of the KSRTC bus.

10. It is also on record that a PCR came to be filed by the claimants, complaining the case against the driver of the KSRTC bus. Statements of witnesses were recorded on oath, wherein, the very same Bhagyalakshmi and Nagamma, have deposed on oath that, it is the driver of the KSRTC bus, is responsible for the accident. Apart from this, an eye witness was examined by a name Puttegowda as PW2 who has stated the real incident. The Tribunal overweighed the evidence recorded by the police under Section 161 and not considered the evidence recorded by the Magistrate under oath. In that view of the matter, the matter requires reconsideration by the Tribunal. Accordingly, this Court proceeds to pass the following:



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ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award passed dated 01.03.2023 in MVC.No.134/2018, by the Tribunal is set aside, and the matter is remanded for re-consideration.
- iii. Considering the year of claim petition, this Court requests the concerned Tribunal to dispose of the matter as expeditiously as possible within an outer limit of 9 months from the date of first appearance.
- iv. The parties are directed to appear before the Tribunal on 17.09.2026, without waiting for any notice from the Tribunal.
- v. All the contentions of both the parties are left open and they are permitted to lead further evidence.



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- vi. The Tribunal shall dispose of the matter, independently without being influenced by any observations made in this appeal, as the observations are limited only for purpose of disposal of this appeal.
- vii. The trial Court records shall be sent forthwith to the Tribunal, since the date is fixed on 17.09.2026.
- viii. Tribunal to consider and decide the entire matter within 9 months from the date of first appearance i.e., 17.09.2026.

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

PK
List No.: 1 Sl No.: 16
ct-vn