



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 14<sup>TH</sup> DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**M.F.A. NO. 6624 OF 2023 (MV-D)**

**BETWEEN:**

THE MANAGING DIRECTOR  
KSRTC, DOUBLE ROAD  
SHANTHINAGAR  
BENGALURU  
REP. BY ITS CHIEF LAW OFFICER  
K H ROAD, SHANTHINAGAR  
BANGALORE-560027.

...APPELLANT

(BY SRI. SUMANGALA A SWAMY, ADV.)

**AND:**

SMT. NARASAMMA  
W/O LATE MUNIVENKATAIAH  
AGED ABOUT 68 YEARS  
R/A BANAVADI (JANATHA COLONY)  
SOLURU HOBLI, MAGADI TALUK  
RAMANAGARA DIST-562127.

...RESPONDENT

(BY SRI. K.V. NAIK, ADV.)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.06.2023 PASSED IN MVC NO.3457/2022 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18), AWARDED COMPENSATION OF RS. 17,14,500/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.



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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
AND  
HON'BLE DR. JUSTICE K.MANMADHA RAO

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The Karnataka State Road Transport Corporation is in appeal under Section 173 of the Motor Vehicles Act, 1988, questioning the judgment and award dated 09.06.2023 in MVC No.3457/2022 on the file of III Additional Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (for short "Tribunal") on the ground of non-consideration of contributory negligence on the part of the deceased.

2. The brief facts of the case are that:

The mother of the deceased Hanumakka filed a claim petition under Section 166 of the Motor Vehicles Act, claiming compensation for the accidental death of her daughter Hanumakka in a road traffic accident that occurred on 09.06.2022 involving KSRTC bus bearing



registration No.KA-21-F-0260. It is stated that when the deceased was standing near Dasanapura bus-stop, driver of the offending KSRTC bus which was coming from Tumkur to Bangalore came in a rash and negligent manner and hit the deceased, due to which, the deceased fell down and sustained grievous injuries, resulting in death of daughter of the claimant on the spot. It is claimed that the deceased was aged 43 years as on the date of accident and was earning a sum of Rs.30,000/- p.m. by doing vegetable vending business.

3. On service of notice, the appellant-KSRTC appeared before the Tribunal and filed its statement of objections contending that death of Hanumakka was due to her own negligence and further contending that the compensation claimed is highly excessive, exorbitant and exaggerated.

4. The claimant examined herself as P.W.1 and marked the documents as Ex.P1 to Ex.P18. The respondent-



KSRTC examined R.W.1-driver of the offending bus apart from marking the documents as Ex.R1 to Ex.R10.

6. The Tribunal, on appreciation of the material on record awarded total compensation of Rs.17,14,500/- on the following heads:

| <b>Compensation Heads</b>                     | <b>Compensation Amount (in Rs.)</b> |
|-----------------------------------------------|-------------------------------------|
| Towards loss of dependency                    | 16,27,500-00                        |
| Towards loss of consortium                    | 44,000-00                           |
| Towards loss of estate                        | 16,500-00                           |
| Towards funeral & obsequies ceremony expenses | 16,500-00                           |
| Towards transportation of dead body           | 10,000-00                           |
| <b>TOTAL</b>                                  | <b>17,14,500-00</b>                 |

While awarding the above compensation, the Tribunal assessed the notional income of the deceased at Rs.15,500/-, added 25% of the assessed income towards future prospects, deducted 50% towards living and personal expenses of the deceased, while applying appropriate multiplier of 14. The KSRTC is before this



Court in this appeal contending that the Tribunal failed to consider their contention of contributory negligence on the part of the deceased.

7. Heard learned counsel Smt.Sumangala A Swamy for appellant-KSRTC and learned counsel Sri.K.V.Nayak for respondent-claimant. Perused the entire appeal papers including records of the Tribunal.

8. Learned counsel Smt.Sumangala Swamy for the appellant-Corporation would contend that the accident that occurred on 09.06.2022 involving KSRTC bus which resulted in death of Hanumakka, daughter of the claimant was due to the total negligence on the part of the deceased herself. Learned counsel would submit that the deceased was standing on median and she was trying to cross the road. She was not even standing on the Zebra crossing. However, the deceased tried to cross the road standing on the divider/median of the road. Learned counsel would refer to Ex.P4/sketch and would point out



that the accident had occurred on the edge of the median/divider of Tumkur-Bangalore Highway. Further, regarding quantum of compensation, Smt.Sumangala Swamy, learned counsel for the appellant would submit that the appellant-Corporation had paid a sum of Rs.25,000/- towards interim maintenance and the Tribunal failed to deduct the said interim maintenance while awarding the above stated compensation. Thus, she prays for allowing the appeal filed by the appellant-Corporation and to saddle contributory negligence on the deceased.

9. Learned counsel Sri.K.V.Nayak for respondent/claimant would submit that though the deceased was standing on the median, the offending KSRTC bus came in a rash and negligent manner and dashed to the deceased which resulted in her death. Learned counsel would further submit that charge sheet has been laid against the driver of the offending KSRTC bus. As such, no negligence could be attributed to the deceased. Thus, he would pray for dismissal of the appeal.



10. Having heard the learned counsel for the parties and on perusal of the entire appeal papers including the records of the Tribunal, the only point which falls for our consideration is as to whether the deceased also contributed her negligence to the occurrence of the accident?

11. Answer to the above point would be partly in the affirmative for the following reasons:

The accident that occurred on 09.06.2022 involving KSRTC bus bearing No.KA-21-F-0260 and the accidental death of Hanumakka, daughter of the claimant is not in dispute in this appeal. The appellant-KSRTC is before this Court, questioning non-consideration of contributory negligence on the part of the deceased. To appreciate the said contention, it would be appropriate to refer to Ex.P1 to Ex.P4, FIR, Copy of the complaint, Panchanama and spot sketch. The Police records i.e., Ex.P1 to Ex.P4 would clearly indicate that the deceased was standing on the



median/divider and was trying to cross Bangalore-Tumkur Highway at Dasanapura. Ex.P4/sketch would indicate that the deceased was standing on the median/divider and the accident occurred on the edge of the median/divider. It was not a place for crossing the road and it was also not Zebra crossing. The deceased ought to have been cautious and she ought not to have tried to cross the road at the spot where the accident has taken place. The mere fact that charge sheet is filed against the driver of the offending KSRTC bus, cannot be said that there was no negligence on the part of the deceased who was trying to cross the road standing on the median/divider of the road. The material on record i.e., Ex.P1 to Ex.P4 would indicate the deceased also contributed her negligence in occurrence of the accident. Taking note of the same, we hold that the deceased also contributed her negligence towards occurrence of the accident. In totality of the facts and circumstances of the case, 25% of the contributory negligence could be attributed to the deceased.



Accordingly, we accept the contention raised by the appellant-Corporation to the above extent.

12. With regard to quantum of compensation, the Tribunal ought to have deducted interim compensation paid by the Corporation to the respondent-claimant. The respondent-claimant has not disputed the receipt of interim compensation of Rs.25,000/-. The respondent as well as appellant have not disputed the quantum of compensation awarded by the Tribunal. The Tribunal has rightly determined the compensation on the head of loss of dependency and on other heads. In view of the above finding that the deceased also contributed her negligence to an extent of 25%, the respondent-claimant would be entitled for compensation of Rs.12,85,875/- (Rs.17,14,500 - 25% of contributory negligence = 12,85,875/-). Further, it would be necessary to deduct a sum of Rs.25,000/- paid by the appellant-Corporation to respondent-Corporation towards interim maintenance. Thus, the claimant would be entitled for the following



modified compensation of **Rs.12,60,875/-** (Rs.12,85,875 – Rs.25,000 = Rs.12,60,875)

13. Accordingly, the appeal is ***allowed-in-part***. The judgment and award dated 09.06.2023 passed in MVC No.3457/2022 on the file of the III Additional Judge and Motor Accident Claims Tribunal is modified.

The claimant is entitled to total compensation of Rs.12,60,875/- as against Rs.17,14,500/- awarded by the Tribunal. In all other respect the judgment and award remains intact.

The amount in deposit be transmitted to the Tribunal, forthwith.

**Sd/-**  
**(S.G.PANDIT)**  
**JUDGE**

**Sd/-**  
**(DR.K.MANMADHA RAO)**  
**JUDGE**

MPK  
CT:bms