



CNR: KAHC010532372023

NC: 2026:KHC:38429
MFA No. 7042 of 2023
C/W MFA No. 406 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7042 OF 2023 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL No. 406 OF 2023 (MV-D)

IN MFA No. 7042/2023

BETWEEN:

1. SRI G. THIMMANNA
@ THIMMANNA
S/O LATE ATTAPPA
AGED ABOUT 35 YEARS.
2. SMT. SHANTHAMMA
W/O G. THIMMANNA
@ THIMMANNA
AGED ABOUT 30 YEARS.
3. KUM. KANCHANA
D/O G. THIMMANNA
@ THIMMANNA
AGED ABOUT 10 YEARS.
4. BHUTAHARAJU
S/O G. THIMMANNA
@ THIMMANNA
AGED ABOUT 7 YEARS

APPELLANT No.1 IS A MENTALLY
DISABLED AND
APPELLANTS 3 AND 4 ARE MINORS

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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REPRESENTED THEIR NATURAL
GUARDIAN WIFE AND MOTHER
2ND APPELLANT
ALL ARE RESIDING AT
GOLLARAHALLI VILLAGE
GOWDAGERE HOBLI, SIRA TALUK
TUMAKURU DISTRICT – 572 137.

...APPELLANTS

(BY SRI SHANTHARAJ K, ADVOCATE)

AND:

THE MANAGING DIRECTOR
KSRTC
WILSON GARDEN, K. H. ROAD
BENGALURU CITY – 560 027.

...RESPONDENT

(BY SRI D VIJAYA KUMAR, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:15.09.2022 PASSED
IN MVC No.480/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE
AND AMACT, AT SIRA PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION .

IN MFA No. 406/2023

BETWEEN:

THE MANAGING DIRECTOR
K.S.R.TC. ,
WILSON GARDEN
K. H. ROAD
BANGALORE CITY-560 027.

...APPELLANT

(BY SRI D VIJAYAKUMAR, ADVOCATE)



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AND:

1. SRI G. THIMMANNA
@ THIMMANNA
S/O. LATE ATTAPPA
AGED ABOUT 35 YEARS
REP. BY HIS N/G AND WIFE
SMT. SHANTHAMMA
2ND CLAIMANT, RESPONDENT No.1
IS MENTALLY DISABLED.
2. SMT. SHANTHAMMA
W/O. G. THIMMANNA @ THIMMANNA
AGED ABOUT 30 YEARS.
3. KUM. KANCHANA
D/O. G. THIMMANNA @ THIMMANNA
AGED ABOUT 10 YEARS.
4. BHUTHARAJU
S/O. G. THIMMANNA @ THIMMANNA
AGED ABOUT 07 YEARS

SINCE THE RESPONDENT No.3 & 4 ARE
MINORS, REP. BY THEIR
MOTHER AND NATURAL GUARDIAN
RESPONDENT No. 2
SMT. SHANTHAMMA.

ALL ARE R/AT, GOLLARAHALLY VILLAGE
GOWDAGERE HOBLI, SIRA TALUK
TUMKUR DISTRICT-572 139.

...RESPONDENTS

(BY SRI SHANTHARAJ K, ADVOCATE FOR R1 TO R4-ABSENT
(R1 IS DISABLE REP. BY NATURAL GUARDIAN -SHANTHAMMA AS
PER CAUSE TITLE) R3 AND R4 MINORS REP BY R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:15.09.2022 PASSED



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IN MVC No.480/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND AMACT, SIRA, AWARDING COMPENSATION OF Rs.11,93,696/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. MFA No. 7042/2023 is filed by the claimants seeking enhancement and MFA No. 406/2023 is filed by the Karnataka State Road Transport Corporation (for short `Corporation`) challenging the liability and quantum of compensation awarded in the judgment and award dated 15.09.2022 passed in MVC No. 480/2018 by the Senior Civil Judge and Additional MACT, Sira.

2. Claimants made a claim petition praying to award compensation for the death of Attappa in a road traffic accident that occurred on 05.11.2017 contending that the accident occurred due to the rash and negligent driving by the driver of the Corporation bus bearing No. KA-17-F-1670. The Tribunal after recording evidence, appreciating the



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evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of dependency	Rs.11,13,696.00
2	Loss of love and affection	Rs.70,000.00
3	Funeral expenses	Rs.25,000.00
	Total	Rs.12,08,696.00

3. The Tribunal also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent – Corporation to deposit the said compensation amount with interest. Claimants, seeking enhancement of the compensation awarded, have filed the appeal in MFA No. 7042/2023 and Corporation has filed the appeal in MFA No. 406/2023 challenging liability and quantum of compensation awarded by the Tribunal.

4. Learned counsel for appellants in MFA No. 7042/2023 is absent. He was also absent on 15.06.2026 and on 10.07.2026. On 10.07.2026, noting absence of learned counsel for appellants – claimants, this Court observed that if learned counsel for appellants does not appear on the next



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date of hearing, the appeals will be disposed of on merits in his absence. In spite of said order, learned counsel for claimants is not present. Heard learned counsel for appellant (Corporation) in MFA No. 406/2023.

5. Learned counsel for Corporation would contend that the accident occurred due to the rash and negligent driving by the rider of motorcycle on which the deceased was a pillion rider and the Tribunal has erred in holding that the driver of bus is solely responsible for the accident. He further submits that the bus was stopped in a signal and at that time, motorcycle rider, along with the deceased as pillion rider, came and dashed to the bus and due to it, the deceased sustained injuries and died. He further submits that claimant No. 1 is the major son of the deceased and he was aged more than 30 years as on the date of accident and he was not dependent on the deceased. Claimant No. 2 is the wife of claimant No. 1 and daughter-in-law of the deceased and claimant Nos. 3 and 4 are children of claimant Nos. 1 and 2 and grandchildren of the deceased and they were not



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dependent on the deceased. In the Aadhar card of the deceased his year of birth is mentioned as 1941 and considering the same, as on the date of accident, the deceased was aged 76 years. Considering the same, he is not entitled for future prospects and multiplier applicable is 5. The Tribunal has erred in taking the age, future prospects and deducting 1/4th towards personal expenses of the deceased. He further submits that claimant Nos. 2 and 4 being the daughter-in-law and grandchildren of the deceased are not entitled to consortium. With this, he prayed to allow the appeal.

6. Having heard learned counsel for Corporation this Court has perused the judgment, award, trial Court records and other materials placed on record.

7. Date of accident is 05.11.2017. Ex.P.7 is the charge sheet and it is filed against the driver of the bus bearing registration No. KA-17-F-1610. As per column No. 17 of the charge sheet driver of the bus drove his bus from Hiriuru towards Sira in high speed, in rash and negligent



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manner and dashed against HeroHonda Splendor on which the deceased was a pillion rider and it was proceeding from I.B. Circle, Sira bus stand towards Amalapur side, due to which the deceased fell down on the road and front left wheel of the bus ran over the left hand, left leg of the deceased, caused severe injuries and he died on the way to the hospital. Ex.P.1 – FIR is registered against the driver of the bus. Driver of the bus who has been examined as R.W.1, in the cross-examination, stated that he has not challenged the FIR and charge sheet filed against him. Considering the said evidence the Tribunal has rightly held that the accident occurred due to the sole negligence on the part of the driver of the bus.

8. Claimants are seeking enhancement of the compensation and the Corporation has challenged the quantum of compensation awarded stating that compensation awarded is on higher side. The Tribunal has taken the age of the deceased as 60 years as mentioned in Ex.P.5 – PM report. In Ex.P.1 – FIR and inquest mahazar – Ex.P.4 age the deceased is mentioned as 50 years. Considering the said



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aspect there is lot of discrepancy with regard to the age of the deceased in Police records. Learned counsel for Corporation, along with memo, has produced copy of Aadhar card of the deceased wherein year of birth of the deceased is mentioned as 1941. Date of accident is 05.11.2017. Considering the year of birth mentioned in the Aadhar card, age of the deceased as on the date of accident is 76 years. Considering the said document, age of the deceased is to be taken as 76 years.

9. Accident occurred in the year 2017 and as per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2017 is Rs.11,000/- per month. The Tribunal has rightly taken the said notional income as the income of the deceased. Considering the age of the deceased, multiplier applicable is 5 as against 9 applied by the Tribunal. Since the deceased was aged 76 years, future prospects cannot be taken into consideration. The Tribunal has erred in taking future prospects at 25%. Claimant No. 1 is the major son of the deceased. Claimant No. 2 is the wife of claimant No. 1 and



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daughter-in-law of the deceased and claimant Nos. 3 and 4 are the children of claimant Nos. 1 and 2 and grandchildren of the deceased. Even though claimant No.1 is stated to be mentally ill, no documents are produced to establish the same. As claimant No. 1 is major son of the deceased, even though he was not dependent on the deceased, as per the decision of the Hon'ble Apex Court in the case of ***Jitender Kumar and another Vs. Sanjay Prasad and others, Civil Appeal No. 7199/2025*** decided on **22.05.2025**, he is entitled to compensation and deduction in the income is to be taken at 50%.

10. In view of the above, loss of dependency is calculated as under:

$$11000 - 50\% = 5500$$

$$5500 \times 12 \times 5 = 3,30,000$$

11. Claimant No. 1 being the son of the deceased is the only person entitled to consortium in a sum of Rs.40,000/-. Claimant No. 2 being the daughter-in-law of the deceased and



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claimant Nos. 3 and 4 being the grandchildren of the deceased are not entitled to loss of consortium.

12. In view of awarding of consortium to claimant No. 1, claimants are not entitled to a sum of Rs.70,000/- awarded by the Tribunal towards loss of love and affection.

13. Claimants are entitled to funeral expenses of Rs.15,000/- and loss of estate in a sum of Rs.15,000/-.

14. In view of the above, claimants are entitled to total compensation under various heads as under:

1	Towards loss of dependency	Rs.3,30,000.00
2	Towards consortium (claimant No. 1)	Rs.40,000.00
3	Towards funeral expenses	Rs.15,000.00
4	Towards loss of estate	Rs.15,000.00
	Total	Rs.4,00,000.00

15. The Corporation is liable to pay the said compensation with interest at the rate of 6% p.a. from the date of petition till the date of realization.

16. In view of the above, the following;

ORDER

- i) Both the appeals are allowed in part.



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- ii) Claimants are entitled to total compensation of Rs.4,00,000/- as against Rs.12,08,696/- awarded by the Tribunal with interest at the rate of 6% p.a. from date of petition till the date of realization.
- iii) The Corporation is liable to pay the said compensation with interest.
- iv) Amount in deposit is ordered to be transmitted to the Tribunal.
- v) If amount deposited by the Corporation is in excess than the amount payable to the claimants, the Tribunal shall refund the said amount to the Corporation.
- vi) Claimant No. 1 is alone entitled to amount of compensation with interest and he is entitled to release of entire award amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 55
CT:NJ