



CNR: KAHC010642942025

NC: 2026:KHC:37334-DB
MFA No. 7330 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.7330 OF 2025(MV-D)

BETWEEN:

THE MANAGING DIRECTOR, KSRTC
K. H. ROAD, SHANTHINAGAR
BENGALURU-560 027
REP. BY ITS CHIEF LAW OFFICER

...APPELLANT

(BY SRI G. LAKSHMEESH RAO, ADVOCATE)

AND:

1. SRI ANANTHA RAMAKRISHNAN M. C.
S/O. CHANDRASHEKARAN M.
AGED ABOUT 61 YEARS

2. MS. NITHYASHREE ANANTH
D/O. ANANTHARAMAKRISHNAN M. C.
AGED ABOUT 21 YEARS

BOTH ARE R/AT FLAT NO.E1
JAYACHANDRA NILAYAM
NATURE VIEW RESIDENCY, NO.23
1ST CROSS, GOPALAPPA LAYOUT
BENGALURU NORTH, R. T. NAGAR
BENGALURU-560 032

...RESPONDENTS

(BY SRI. SHRIPAD V. SHASTRY, ADVOCATE FOR R-1 AND R-2)

Digitally signed
by G
SHREE LAKSHA
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.07.2025 PASSED IN MVC NO.4035/2023 ON THE FILE OF THE XII ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU SCCH-08, AWARDED COMPENSATION OF RS.1,55,99,848/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THIS APPEAL, COMING ON FOR ADMISSION, 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 KSRTC - respondent before the Motor Accident Claims Tribunal is in appeal under Section 173(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') questioning the saddling of entire negligence on the driver of the KSRTC bus and also questioning the quantum of compensation awarded under judgment and award dated 09.07.2025 in MVC No.4035/2023 on the file of XII Additional Small Causes Judge and MACT, Bengaluru.



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Brief facts of the case are that:

2. The claimants, husband and daughter of deceased filed claim petition under Section 166 of the Act claiming compensation for the accidental death of Latha M w/o claimant No.1 in a road traffic accident involving KSRTC bus bearing No.KA-40-F-0932 and scooter bearing No.KA-04-KD-4476. It is stated that the deceased as on the date of accident was aged 55 years and was working at Accountant General's Office as Assistant Accounts officer drawing salary of Rs.1,81,590/- per month. After service of notice, the appellant - KSRTC appeared before the Court and filed its written statement contending that the rider of the scooter was solely responsible as such the insurer of the scooter was also necessary party. Further, the appellant - Corporation denied the other averments of the claim petition. It further contended that, since the accident has taken place totally due to the negligence of the rider of the scooter, the KSRCT is not liable to pay any



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compensation. Further, it is stated that the compensation claimed is excessive and exorbitant.

3. Claimant No.1 examined himself as PW.1 and examined PW.2 - employer of the deceased apart from marking Ex.P.1 to Ex.P.33 documents. Respondent examined RW.1 - driver of KSRTC bus and marked Ex.R.1. The Tribunal on appreciation of the material on record awarded total compensation of Rs.1,55,99,848/- with interest at a rate of 6% p.a. from the date of petition till deposit. While awarding the above compensation, the Tribunal assessed the income of the deceased at Rs.1,81,590/- per month, deducted 1/3rd towards personal and living expenses of the deceased, applied multiplier of '11', saddling entire liability on the appellant - KSRTC. Questioning the saddling of entire liability and also questioning the quantum of compensation awarded by the Tribunal, the appellant - KSRTC is before this Court in this appeal.



4. Heard learned counsel Sri.G Lakshmeesh Rao for the appellant - KSRTC and learned counsel Sri.Shripad V Shastry for respondent Nos.1 and 2, who appears through video conference. Perused the entire appeal papers as well as the Tribunal records.

5. Learned counsel G Lakshmeesh Rao for the appellant - KSRTC would submit that the accident occurred solely due to the negligence of the rider of the scooter, the husband of the deceased. Referring to Ex.P.1 - FIR, Ex.P.2 - complaint, Ex.P.3 - spot mahazar, Ex.P.4 - sketch as well as evidence of P.W.1 - rider of the motor cycle submits that the accident occurred solely due to the negligent riding of the rider of the motor cycle. Learned counsel invites attention of this Court to Ex.P.4 - sketch and would submit that, the two wheeler entered from the service road while the bus was getting down from the flyover from Anand Rao Circle. The scooter came from the service road and dashed to the KSRTC bus on the rear side i.e., at the battery box near the door. Learned counsel



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would point out from the evidence of PW.1 that, PW. 1 has categorically stated that, he fell down on the left side of the road and the deceased fell on the right side of the road and right wheel ran over the deceased's head and other parts of the body. Referring to other police records learned counsel for the appellant would submit that, it would indicate that the left side wheel went over the body of the deceased. Learned counsel would point out the inconsistency and, as such, he would submit that the police records are created one to suit the case of the claimants. Learned counsel further referring to the Motor Vehicle Inspector's report - Ex.P.5 would submit that, it indicates scratch at left side battery box, which supports the contention of the KSRTC that the scooter came from service road and hit the bus at rear left side battery box. Thus, he would further submit that, the insurer of the scooter was also necessary party to consider the contention of the appellant - KSRTC that the rider of the



scooter also contributed his negligence to the occurrence of the accident.

6. Learned counsel for the appellant - KSRTC on the question of quantum would submit that claimant No.1 in his evidence has stated that he is earning Rs.25,000/- to Rs.30,000/- as commission and he has also filed returns. Therefore, he cannot be considered as dependent on the income of his deceased wife, as such the Tribunal is not justified in deducting 1/3rd of the assessed income towards personal and living expenses of the deceased and he would submit that the Tribunal ought to have deducted 50% of the assessed income towards personal and living expenses. Thus, learned counsel would pray to allow the appeal for the above reason.

7. *Per contra*, learned counsel Sri.Sripad V Shastry for the respondents-claimants would support the judgment and award passed by the Tribunal and further contends that the accident occurred solely due to the rash and negligent driving of the driver of the KSRTC bus. He



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submits referring to Ex.P.4 - spot sketch that, when the scooter entered through service road to the main road, the driver of the KSRTC bus without noticing the scooter came in rash and negligent manner and dashed to the hind side of the scooter. Further, he submits that the spot mahazar as well as the FIR would clearly indicate that the KSRTC bus came from the hind side and hit the scooter, which resulted in falling down of both rider and pillion rider of the scooter. Learned counsel referring to the Motor Vehicle Inspector's report would submit that the report would clearly indicate that there is scratch on the battery box, which clearly indicates that the bus collided with the scooter. Thus, he would submit that the Tribunal rightly saddled liability on the appellant - KSRTC.

8. Further with regard to quantum of compensation, learned counsel for the respondents would submit that the Tribunal has rightly deducted 1/3rd towards personal and living expenses of the deceased referring to the decision of the Hon'ble Apex Court in



Sarla Verma (Smt) and Others Vs. Delhi Transport Corporation and Another reported in ***(2009) 6 SCC 121***. Learned counsel would submit that, only in a case of bachelor, deduction would be 50% and in a case of the deceased being married, the deduction would depend on the dependents of the family. Thus, he would pray for dismissal of the appeal.

9. Having heard the learned counsel for the parties and on perusal of the entire appeal papers including the Tribunal records, the following points would arise for consideration:

- a. Whether the Tribunal is justified in saddling the entire liability on the appellant - corporation?
- b. Whether the Tribunal is justified in deducting $1/3^{\text{rd}}$ of the assessed income towards personal and living expenses of the deceased?

10. The answer to both the above points would be in the affirmative for the following reasons.



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11. The accident as such involving KSRTC bus bearing No.KA-40-F-0932 and the scooter bearing No.KA-04-KD-4476 and the accidental death of Latha M w/o claimant No.1 is not in dispute in this appeal. The appellant - corporation is disputing the finding on the manner of accident and the finding of the Tribunal on the occurrence of the accident. The appellant - corporation is also questioning the quantum of compensation.

12. To appreciate the contention of the appellant - corporation, that the accident occurred solely due to the negligence of the rider of the motor cycle, it would be useful to refer to Ex.P.1 to Ex.P.4. The FIR, copy of complaint, copy of spot mahazer and copy of sketch and also IMV report i.e., Ex.P.5. The FIR would state that the driver of KSRTC bus came in a rash and negligent manner on the flyover from Anand Rao Circle side and, at the down ramp dashed on the hind side of the scooter. Due to the said impact, the rider of the two wheeler fell on the



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left side and, the pillion rider fell on the right side. As a result, rear left side wheel went on the head of the deceased. Ex.P.3 spot mahazar is also to the said effect. Ex.p.4 sketch indicates the spot of the accident as at middle of the road. The sketch would indicate the entry of the two wheeler from the service road and KSRTC bus which came from the flyover from Anand Rao Circle side was getting down the gradient and, at that point of time, the driver of the KSRTC bus ought to be very cautious. It is clear from the sketch that the driver of the KSRTC bus came in the rash and negligent manner in the gradient of the flyover and dashed to the scooter on the hind side, which entered from the service road. The mere statement of the rider of the scooter - PW.1 that right wheel ran over the deceased cannot be held against the claimants. The said statement is opposed to all other police records i.e., Ex.P.1 to Ex.P.5. Thus, the contention of the appellant - corporation that the accident occurred solely due to the negligence of the rider of the motor cycle stands rejected.



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13. Insofar as the quantum of compensation is concerned, the claimant No.1 - husband of the deceased cannot be said to be totally not dependent on the deceased wife. Deceased wife was a homemaker and definitely the husband would depend on the wife. Moreover, claimant No.2 - the daughter aged 19 years. The decision of Hon'ble Apex Court in Sarla Verma (*supra*), makes it clear that if deceased is unmarried, 50% has to be deducted towards personal and living expenses of the deceased. In the instant case, the deceased was married and the claimants are husband and daughter. Therefore, the Tribunal is justified in deducting 1/3rd towards personal and living expenses of the deceased. The KSRTC has not questioned the income assessed by the Tribunal at Rs.1,81,590/- per month and adding 15% of the assessed income towards future prospects and so also the compensation awarded on other heads is also not questioned.



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14. For the reasons recorded above, we do not find any merit in the appeal. Hence, the appeal stands rejected. The amount in deposit, if any, shall be transmitted to the concerned Tribunal.

15. In view of the disposal of the appeal, I.A.No.1/2026 is also disposed.

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

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

GSR
List No.: 1 Sl No.: 36