



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 23<sup>RD</sup> DAY OF JUNE, 2026**  
**PRESENT**  
**THE HON'BLE MR. JUSTICE S.G.PANDIT**  
**AND**  
**THE HON'BLE MR. JUSTICE RAJESH RAI K**  
**MISCELLANEOUS FIRST APPEAL NO.6340 OF 2025(MV-D)**  
**C/W**  
**MFA CROSS OBJECTION NO. 119 OF 2025 (MV-D)**

**IN M.F.A.No.6340/2025:**

**BETWEEN:**

1. SMT. INDIRA  
W/O. LATE SRINIVAS POOJARY,  
AGED ABOUT 49 YEARS
2. KUM. PAVITHRA K  
D/O. LATE SRINIVAS POOJARY,  
AGED ABOUT 26 YEARS
3. KUM. RAKSHITHA  
D/O. LATE SRINIVAS POOJARY,  
AGED ABOUT 22 YEARS

ALL ARE RESIDING AT:  
'KAVERI NILAYA', PADU HOLI  
KARKADA VILLAGE AND POST,  
BRAHMAVARA TALUK,  
UDUPI DISTRICT - 576 213.

...APPELLANTS

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

Digitally signed  
by PANKAJA S  
Location: HIGH  
COURT OF  
KARNATAKA



**AND:**

1. SRI ISHWARA HARIJANA  
S/O. PAKIRAPPA,  
AGED ABOUT 44 YEARS,  
R/AT: GOVANA KOPPA TALUK,  
BAGALAKOTE,  
BADAMI DIST. - 587 101.
2. MANAGING DIRECTOR  
K.S.R.T.C CENTRAL OFFICE,  
BANGALORE,  
DIVISIONAL OFFICE: MANGALORE  
MANGALORE,  
D.K. DIST. - 575 001  
REP BY ITS  
AUTHORIZED OFFICER

...RESPONDENTS

(BY SMT. MEGHA M.S., ADVOCATE FOR  
SRI. S. RAJASHEKAR, ADVOCATE FOR R2  
VIDE ORDER DATED 16.06.2026  
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED 24.02.2025  
PASSED IN MVC NO.696/2022 ON THE FILE OF THE  
ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI  
(SITTING AT KUNDAPURA), PARTLY ALLOWING THE CLAIM  
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT  
OF COMPENSATION.

**IN MFA.CROB NO. 119/2025:**

**BETWEEN:**

THE MANAGING DIRECTOR,  
KSRTC DIVISION,  
CENTRAL OFFICE,  
SHANTHI NAGAR,  
DOUBLE ROAD,



BENGALURU - 560 027  
REP. BY CHIEF LAW OFFICER.

...CROSS OBJECTOR

(BY SMT. MEGHA M.S., ADVOCATE FOR  
SRI. S.RAJASHEKAR, ADVOCATE)

**AND:**

1. SMT. INDIRA  
AGED 49 YEARS  
W/O. LATE SRINIVASA POOJARY
2. KUM. PAVITHRA K.,  
AGED 26 YEARS  
D/O. LATE SRINIVASA POOJARY
3. KUM. RAKSHITHA  
AGED 22 YEARS  
D/O. LATE SRINIVASA POOJARY

RESPONDENT 1 TO 3 ARE RESIDING AT  
'KAVERI NILAYA',  
PADU HOLI KARKADA VILLAGE AND POST,  
BRAHMAVARA TALUK,  
UDUPI DISTRICT - 576 213.

4. ISHWARA HARIJANA  
AGED 44 YEARS  
S/O. PAKIRAPPA  
R/O GOVANA KOPPA TALUK  
BAGALAKOTE,  
BADAMI DISTRICT - 587 155.

...RESPONDENTS

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22  
R/W SECTION 173 (1) OF MOTOR VEHICLE ACT,  
AGAINST THE JUDGMENT AND AWARD DATED 24.02.2025  
PASSED IN M.V.C.NO.696/2022 ON THE FILE OF THE  
ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT,



UDUPI (SITTING AT KUNDAPURA), AWARDING  
COMPENSATION OF RS.14,90,824/- WITH INTEREST AT 6  
PERCENT P.A. FROM THE DATE OF PETITION TILL  
PAYMENT.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
and  
HON'BLE MR. JUSTICE RAJESH RAI K

**ORAL JUDGMENT**

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

Claimants as well as Karnataka State Road Transport  
Corporation (for brevity, 'the KSRTC') are before this Court  
questioning the judgment and award dated 24.02.2025  
passed in M.V.C.No.696/2022 by the Motor Accidnet  
Claims Tribunal at Udupi sitting at Kundapura (for brevity,  
'the Tribunal').

2. The claimants in M.F.A.No.6340/2025 are  
seeking enhancement of compensation, whereas the  
KSRTC in M.F.A.CROB.No.119/2025 is questioning the  
saddling of liability as well as quantum of compensation  
awarded.



3. Brief facts of the case is that the wife and children of deceased Srinivasa Poojary filed claim petition under Section 166 of Motor Vehicles Act, 1988 seeking compensation for the accidental death of deceased in a road traffic accident that occurred on 06.05.2022 involving motor cycle bearing No.KA-20-EG-8308 and KSRTC bus bearing No.KA-19-F-3465. It is stated that the deceased was aged about 50 years 4 months and he was working as Coolie and earning a sum of Rs.30,000/- per month as on the date of accident.

4. On issuance of notice, the KSRTC appeared before the Tribunal and filed separate written statement denying the averments made in the claim petition and contended that the compensation claimed is exorbitant. Further, it is stated that the accident occurred solely due to the negligence of the rider of the motor cycle i.e., deceased on the national highway. It is also submitted that without admitting the liability, the KSRTC has paid a sum of Rs.25,000/- towards interim compensation.



5. Before the Tribunal, claimant No.1 examine herself as P.W.1 apart from examining PW.2 and marked 11 documents as Exs.P1 to P11 and the KSRTC examined RW.1 the driver of the KSRTC bus.

6. Heard the learned counsel Sri. Nagaraja Hegde, for the appellants/claimants and learned counsel Smt. Megha M.S., for learned counsel Sri. S. Rajashekar, for the KSRTC. Perused the entire appeal papers and Tribunal records.

7. Learned counsel Smt. Megha M.S., appearing for the learned counsel Sri. S. Rajashekar, for the KSRTC would submit that the Tribunal has committed grave error in saddling entire liability on KSRTC without examining the contributory negligence on the part of the rider of the motor cycle i.e., the deceased. Further, learned counsel would submit that the accident has taken place on the national highway and the deceased without noticing the bus, took U-turn without following the traffic rules. It is



also submitted that the accident occurred solely due to the negligent riding of the rider of the motor cycle i.e., the deceased. Therefore, it is submitted that the deceased also contributed his negligence to the occurrence of his accident.

8. Learned counsel with regard to the quantum of compensation would submit that the deceased was aged 50 years 4 months, as such, he was above 50 years and the Tribunal committed grave error in awarding future prospects at the rate of 25% of the assessed income. She submitted that in terms of decision of Hon'ble Apex Court in the case of ***National Insurance Company Limited vs. Pranay Sethi and Others*** reported in **(2017) 16 SCC 680**, the claimants would be entitled for adding only 10% towards future prospects. Further, learned counsel submits that the Tribunal also committed an error in adopting multiplier of '13' instead of '11', as the deceased has crossed age of 50 years. Thus, she would pray to



allow M.F.A.Crob.No.119/2025 by setting aside the judgment and award under challenge.

9. On the other hand, learned counsel Sri. Nagaraja Hegde, for the claimants would submit that the Tribunal committed grave error in assessing the income of the deceased at Rs.11,045/- per month. It is submitted that the notional income fixed by the Karnataka State Legal Service Authority for the year 2022 is Rs.15,500/- and the Tribunal ought to have assessed the notional income of the deceased at Rs.15,500/-. Further, the learned counsel would submit that the Tribunal has rightly adopted multiplier of '13' taking age of the deceased 50 years 4 months. Further, he would submit that the Tribunal has rightly fastened the entire liability on KSRTC, since the accident occurred solely due to negligence of the driver of the KSRTC bus. Further, he submits that the charge sheet has been filed against the driver of the KSRTC bus and no complaint is filed against the rider of the motor cycle i.e., the deceased. Thus, he would pray for



allowing the M.F.A.No.6340/2025 filed by the claimants and dismiss the M.F.A.Crob.No.119/2025 filed by the KSRTC.

10. 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 our consideration:

*"1. Whether the Tribunal was justified in determining the income of the deceased at Rs.11,045/- per month?*

*2. Whether the Tribunal was justified in adding 25% of the assessed income towards future prospects?*

*3. Whether the claimants would be entitled for the enhanced compensation?"*

11. Answer to point Nos.1 and 2 would be in the negative and answer to point No.3 would be in the affirmative for the following reasons:



12. The accident that occurred on 06.05.2022 involving motor cycle bearing No.KA-20-EG-8308 and KSRTC bus bearing No.KA-19-F-3465 and the accidental death of the deceased i.e., the husband of the first claimant are not in dispute in the above appeal and cross appeal. The KSRTC is in cross appeal questioning the saddling of entire liability and quantum of compensation. Whereas, the claimants are in appeal not being satisfied with the quantum of compensation and praying for enhancement of compensation.

13. Admittedly, the claimants have not placed on record any material to establish the income of the deceased. However, it is claimed that the deceased was doing coolie and earning a sum of Rs.30,000/- per month. In the absence of any material to establish the income, the Tribunal ought to have assessed the income of the deceased notionally taking note of the chart prepared by the Karnataka State Legal Service Authority indicating the notional income. The chart prepared by the Karnataka



State Legal Service Authority in respect of notional income for the year 2022 is Rs.15,500/-. Thus, we reassess the income of the deceased at Rs.15,500/- per month.

14. Admittedly, the deceased was aged 50 years 4 months. In terms of the judgment of Hon'ble Apex Court in ***Pranay Sethi and Others (supra)*** 25% of the assessed income could be added towards future prospects, if the deceased was aged between 40 and 50. Admittedly, the deceased was aged more than 50 years i.e., 50 years 4 months. Hence, he would fall under the bracket of 50 to 60 years and would be entitled for adding 10% of the assessed income towards future prospects. Further, the Tribunal is justified in taking multiplier of '13', as the deceased has not attained the age of 51, the appropriate multiplier for the age group between 46 and 50 is '13'. Thus, the claimants would be entitled for 'loss of dependency' at **Rs.17,73,200/-** (Rs.15,500/- X 12 + 10% -  $\frac{1}{3}^{\text{rd}}$  X 13).



15. With regard to the contention of the KSRTC that the Tribunal has failed to consider contributory negligence, we are not inclined to interfere with the finding recorded by the Tribunal. The claimants have examined eyewitness as PW.2, who has categorically stated that the bus came from behind and dashed the motor cycle, which resulted in the death of deceased i.e., the husband of the first claimant. Moreover, the charge sheet has been filed against the driver of the KSRTC bus. The KSRTC has examined the driver as RW.1. However, in his evidence driver has admitted that he has not filed any complaint against the deceased i.e., the rider of the motor cycle. Further, he has also admitted that the accident took place on a national highway, where road was straight. No material is placed on record to establish that the deceased also contributed his negligence in the occurrence of accident. In that view of the matter, the finding arrived at by the Tribunal is proper and correct.



16. The Tribunal has also failed to award consortium to claimant Nos.2 and 3, who are children of the deceased. In terms of the decision of the Hon'ble Apex Court in the case of ***Magma General Insurance Company vs. Nanu Ram*** reported ***(2018) 18 SCC 130***, the claimants, who are wife and children, would be entitled for consortium of Rs.40,000/- each. Accordingly, consortium of Rs.40,000/- each is awarded to claimant Nos.2 and 3 also.

17. Thus, the claimants would be entitled for the modified compensation as follows:

| Sl. No. | Compensation under different Heads | As awarded by the Tribunal (Rs.) | As awarded by this Court (Rs.) |
|---------|------------------------------------|----------------------------------|--------------------------------|
| 1.      | Loss of Dependency                 | 14,35,824                        | 17,73,200                      |
| 2.      | Loss of Estate                     | 15,000                           | 15,000                         |
| 3.      | Loss of Consortium                 | 40,000                           | 1,20,000                       |
| 4.      | Funeral Expenses                   | 15,000                           | 15,000                         |
| 5.      | Conveyance Charges                 | 10,000                           | --                             |
|         | <b>Total</b>                       | <b>15,15,824</b>                 | <b>19,23,200</b>               |



18. Thus, the claimants would be entitled to the total compensation of **Rs.19,23,200/-** less interim compensation of Rs.25,000/- as against Rs.14,90,824/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

19. The KSRTC is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

20. The amount in deposit shall be transmitted to the Tribunal. The apportionment of the amount of compensation shall be in terms of the award of the Tribunal.

21. Accordingly, the appeal of the claimants as well as the cross appeal of KSRTC are ***allowed in part.***

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

**SD/-**  
**(RAJESH RAI K)**  
**JUDGE**