

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 624 OF 2013

Divisional Controller,
Karnataka State Road Transport Corporation
Central Bus Stand, Bijapur Dist. Bijapur.

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.... Appellant
(Original
Opponent
No.1)

Versus

Annappa @ Appasaheb
Gundappa Tavdare,
Age: 51 years, Occ: Service
Resident of At & Post Chikhali,
Taluka Kagal, Dist: Kolhapur
The Appellant is physically handicapped his
wife as a next friend, the present application is
filed Sou. Kalpana Annappa & Annasaheb
Tavdare, Age: 45 years, Occ: Household.
Resident as above.

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.... Respondent
(Original
Applicant)

Mr. C. M. Lokesh, Advocate for the Appellant.
Mr. Akshay Kulkarni, Advocate for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JULY, 2025.

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JUDGMENT. :

1. The issue involved in this appeal is accident occurred due to sole negligence of the Claimant.
2. It is contention of learned counsel for the Appellant – Corporation that the accident occurred due to sole negligence of the Claimant, who gave dash from backside of the stationary bus. The offence was registered against the Claimant, but the Tribunal has not considered this fact and has fixed liability on the Appellant – Corporation, which is erroneous. Learned counsel further submitted that, the driver of offending bus stepped into witness box, and has stated that the accident occurred due to sole negligence of the Claimant, but this fact is not considered by the Tribunal. Hence, requested to allow the appeal.
3. It is contention of learned counsel for the Respondent – Claimant that due to accidental injuries, the Claimant has suffered 45% permanent physical disability. He has lost his job. The Tribunal has not awarded future prospects while awarding compensation. The compensation awarded under other heads, are on lower side. Learned counsel further submitted that the driver of offending bus stopped the bus abruptly on National Highway. The Claimant was

proceeding from backside of the bus, and as bus stopped abruptly, he dashed the bus. The accident occurred due to sole negligence of the driver of offending bus as the bus stopped suddenly. Hence, requested to dismiss the appeal.

4. I have heard both learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Kolhapur (for short, “the Tribunal”).

5. To prove the negligence of driver of offending bus, the Claimant has relied on police papers. To prove his defence, the Appellant – Corporation has examined driver Vikram Bandivadar as DW-1. He has stated that, when bus was stopped on National Highway for alighting the passengers, the motorcycle rider gave dash from backside to the bus. In cross-examination, he admitted that, there is no board of bus stop at that place where accident occurred.

6. While dealing with the issue of negligence, the Tribunal has observed that the bus was stopped on National Highway where there was no bus stop, on that ground, the Tribunal has fixed liability on the driver of the offending bus. I do not find infirmity in it. In my view, the driver of offending bus suddenly stopped the bus on National Highway without authorized bus stop, it was sole

negligence of the driver of offending bus.

7. In view of above, the appeal is devoid of merit, and I pass following order:

ORDER

- i. The appeal is dismissed.
 - ii. The Claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
 - iii. The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it, as per Rules.
 - iv. Record and Proceedings be sent back to the Tribunal.
8. All pending applications, if any, also stand disposed of.

(SHIVKUMAR DIGE, J.)