HC-KAR

NC: 2026:KHC:60383
MFA No. 2659 of 2021
C/W MFA.CROB No. 6 of 2022

CNR: KAHC010184252021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 2659 OF 2021

(MV-D)

C/W

MFA CROSS OBJECTION NO. 6 OF 2022 (MV-D)

IN MFA No. 2659/2021

BETWEEN:

1. DIVISIONAL CONTROLLER,
   K.S.R.T.C. MANDYA DIVISION,
   MANDYA – 571 401,
   NOTICE THROUGH,
   DIVISIONAL CONTROLLER,
   K.S.R.T.C. RURAL DIVISION,
   BANNIMANTAP, MYSURU – 570 015,
   REPT. BY ITS CHIEF LAW OFFICER.

...APPELLANT

(BY SMT. RADHA B. P., ADVOCATE)

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

AND:

1. CHADNRAVATHI,
   W/O LATE SHANKAR,
   AGED ABOUT 27 YEARS,
   R/AT DODDABELALU VILLAGE AND POST,
   RAVANDUR HOBLI, PRIYAPATNA TALUK,
   MYSURU DISTRICT – 571 108.

2. NISHANTH S.,
S/O LATE SHANKAR,
AGED ABOUT 07 YEARS,
R/AT DODDABELALU VILLAGE AND POST,
RAVANDUR HOBLI, PRIYAPATNA TALUK,
MYSURU DISTRICT – 571 108,
SINCE MINOR REPRESNETED BY
NATURAL GUARDIAN MOTHER/
1ST PETITIONER CHANDRAVATHI.

3. RATHNAMMA,
W/O LATE ANNAIAH,
AGED ABOUT 60 YEARS,
R/AT DODDABELALU VILLAGE AND POST,
RAVANDUR HOBLI, PRIYAPATNA TALUK,
MYSURU DISTRICT – 571 108.

4. ANIKA S.,
D/O LATE SHANKAR,
AGED ABOUT 03 YEARS,
R/AT DODDABELALU VILLAGE AND POST,
RAVANDUR HOBLI, PRIYAPATNA TALUK,
MYSURU DISTRICT – 571 108,
SINCE MINOR REPRESNETED BY
NATURAL GUARDIAN MOTHER/
1ST PETITIONER CHANDRAVATHI.

…RESPONDENTS

(R1 AND R3 ARE SERVED AND UNREPRESENTED;

R2 AND R4 ARE MINORS AND REP. BY R1)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 30.01.2021, PASSED IN

MVC.NO.326/2018, ON THE FILE OF THE PRINCIPAL JUDGE, COURT OF SMALL CAUSES AS A PRESIDING OFFICER, SENIOR CIVIL JUDGE, M.A.C.T. AT MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION.

IN MFA.CROB NO. 6/2022

BETWEEN:

1. CHANDRAVATHI,
   W/O LATE SHAKAR,
   AGED ABOUT 27 YEARS,
   R/AT DODDABELALU VILLAGE AND POST,
   RAVANDUR HOBLI, PERIYAPATNA TALUK,
   MYSURU DISTRICT – 571 108.

2. NISHANTH S.,
   S/O LAET SHANKAR,
   AGED ABOUT 07 YEARS,
   R/AT DODDABELALU VILLAGE AND POST,
   RAVANDUR HOBLI, PERIYAPATNA TALUK,
   MYSURU DISTRICT – 571 108.
   SINCE MINOR REPRESNETED BY
   NATURAL GUARDIAN MOTHER/
   1ST PETITIONER CHANDRAVATHI.

3. RATHNAMMA,
   W/O LATE ANNAIAH,
   AGED ABOUT 60 YEARS,
   R/AT DODDABELALU VILLAGE AND POST,
   RAVANDUR HOBLI, PERIYAPATNA TALUK,
   MYSURU DISTRICT – 571 108.

4. ANIKA S.,

D/O LATE SHANKAR,
05 MONTHS OLD BABY,
R/AT DODDABELALU VILLAGE AND POST,
RAVANDUR HOBLI, PERIYAPATNA TALUK,
MYSURU DISTRICT – 571 108.
SINCE MINOR REPRESNETED BY
NATURAL GUARDIAN MOTHER/
1ST PETITIONER CHANDRAVATHI.

...CROSS OBJECTORS

(BY SMT. SUMA K., ADVOCATE)

AND:

1. THE DIVISIONAL CONTROLLER,
K.S.R.T.C., MANDYA DIVISION,
MANDYA – 571 401.
NOTICE THROUTH DIVISIONAL CONTROLLER,
K.S.R.T.C. RURAL DIVISION, BANNIMANTAP,
MYSURU – 570 015.

...RESPONDENT

(BY SMT. RADHA B. P., ADVOCATE)

THIS MFA CROB IS FILED U/O.41 RULE 22 R/W SEC.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 30.01.2021, PASSED IN MVC NO.326/218 ON THE FILE OF THE PRINCIPAL JUDGE, COURT OF SMALL CAUSES AS A PRESIDING OFFICER, M.A.C.T., MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. These two appeals have been arising out of the judgment and award dated 30.01.2021 passed in MVC.No.326/2018 on the file of Principal Judge, Court of Small Causes and MACT, Mysuru.

Factual matrix of the case:

2. The case of the prosecution is that on 23.02.2018 at about 12:45 p.m., the deceased was proceeding on his motor cycle and he was taking right turn to go to petrol bunk. At that time, the KSRTC bus bearing No.KA-11-F-0476 came from Hunsur towards Periyapatna dashed the motor cycle. Consequently the deceased sustained grievous injuries on his head and other parts of the body. Immediately he was shifted to Periyapatna Government Hospital and thereafter, he died while he was being shifted to K.R. Hospital, Mysuru. A claim petition was filed by the legal representatives of the deceased. The

Tribunal awarded Rs.15,96,500/- along with interest at the rate of 6% per annum as compensation.

3. The learned counsel in MFA.No.2659/2021 contended that Ex-P4 sketch would clearly indicate that the bus was on proper direction. However, the deceased negligently crossed the road to go to petrol bunk without following the traffic rules. In fact, the tyre mark of the bus found up to the distance of 6 feet.

4. It is further submitted that the rider of the bike was not wearing helmet and also he was talking on the mobile while he was riding the bike. However, the Tribunal did not consider the said aspect properly. Consequently, the impugned judgment is passed and fixed the liability on the Insurance Company which requires to be modified. Making such submissions learned counsel for the appellant – Insurance Company prays to allow the appeal and reject the appeal filed by the claimants.

5. *Per Contra*, learned counsel for the claimants/respondents in MFA.CROB.No.06/2022 vehemently submitted that in fact the income of the deceased was not considered properly by the Tribunal and also not provided adequate compensation to the family members of the deceased. Hence, it has to be modified in respect of the income. Therefore, the appeal may be allowed. Since the respondent No.1/KSRTC has not proved that the deceased had committed negligence and took sudden right turn to go to petrol bunk to get the petrol filled to his bike, the Tribunal has rightly fixed the entire liability on the Insurance Company. Hence, the appeal filed by the Insurance Company may be dismissed. Making such submissions, the learned counsel for the appellant in MFA CROB. No.06 of 2022 prays to dismiss the MFA No. 2659 of 2021.

6. Having heard learned counsel for the respective parties and on perusal of the findings of the

Tribunal, so far as the contention of the learned counsel for the appellant in MFA.No.2659/2021 is concerned, no doubt, Ex-P4 - sketch indicates that it is a straight road. The deceased was crossing the road to go to petrol bunk. Evidence of P.W.-3 clearly would indicate that the KSRTC bus was going to Madikeri and the deceased was coming from the opposite direction and he was going to get the petrol filled to his vehicle, in the mean time, the accident had occurred. P.W.-3 further denied that the accused was not wearing helmet and he was talking in the mobile phone while driving his bike. Since P.W.-3 is an eye-witness to the incident, his evidence has to be believed that the deceased was not showing any negligence while crossing the road. Such being the fact, the appeal filed by the appellant – Insurance Company is liable to be dismissed in respect of the negligence is concerned.

7. On the other hand, so far as the contention of the learned counsel for the appellant in

MFA.CROB.No.6/2022 is concerned, the Tribunal while considering the income of the deceased has assessed the notional income as Rs.7,000/-. However, the accident has took place in the year 2018 and notional income was to be considered as Rs.12,500/-. Hence, the same is taken accordingly. In view of the changed circumstances the loss of dependency is required to be re-determined as follows:

$$12,500 - 1/4^{th} + 40\% \times 12 \times 16 = 25,20,000/-$$

8. Except this modification rest of the conventional heads are not required to be changed. Hence, the changed/modified award of compensation is mentioned in the table as follows:

Sl. No.	**Heads**	**Tribunal**	**This Court**
01	Towards loss of consortium	1,60,000	1,60,000
02	Towards estate	15,000	15,000
03	Towards transportation and funeral expenses	25,000	25,000
04	Towards loss of dependency	14,11,500	25,20,000
	TOTAL	**16,11,500**	
	(-) Interim Compensation	15,000	

TOTAL	**15,96,500**	**27,20,000**

9. In the light of the observations made above, I proceed to pass the following:

ORDER

i. Miscellaneous First Appeal No.2659/2021 is ***dismissed***.

ii. Miscellaneous First Appeal CROB.No.6/2022 is ***allowed in part***.

iii. The judgment and award dated 30.01.2021 passed in MVC.No.326/2018 on the file of the Principal Judge, Court of Small Causes and MACT, Mysuru, is hereby modified.

iv. The KSRTC is directed to deposit the entire amount within a period of eight weeks from the date of receipt of this order along with the interest at the rate of 6% per annum.

v. The Registry is directed to transmit the statutory deposit made by the appellant in MFA.No.2659/2021 to the Tribunal forthwith.

vi. The Tribunal is directed to disburse the amount as per apportionment made in its order.

Sd/-
(S RACHAIAH)
JUDGE

NM/-
List No.: 1 Sl No.: 17