HC-KAR

NC: 2026:KHC:64798
MFA No. 2202 of 2025

CNR: KAHC010200202025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2202 OF 2025

(MV-D)

BETWEEN:

THE MANAGING DIRECTOR
KARNATAKA STATE ROAD TRANSPORT
CORPORATION, CENTRAL OFFICE
K.H ROAD, SHANTHINAGAR
BENGALURU – 560 032.

(REPRESENTED BY ITS CHIEF LAW OFFICER)

…APPELLANT

(BY SRI. SAMARTH PRAKASH, ADVOCATE)

AND:

SMT. SHOBHA,
W/O MUNIRAJU
AGED ABOUT 44 YEARS
R/AT No. 13, NEAR GANGAMMA
TEMPLE, GANGANAGAR
BENGALURU – 560 032.

…RESPONDENT

(BY SMT. SUSHMITHA G, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.08.2024 PASSED IN MVC No.7418/2022 ON THE FILE OF THE XXI

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JUDGE, HIGH COURT OF KARNATAKA

ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, BENGALURU (SCCH-23), AWARDING COMPENSATION OF Rs. 24,19,900/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF CLAIM PETITION TILL REALIZATION OF THE ENTIRE AWARD AMOUNT.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the KSRTC challenging the judgment and award dated 01.08.2024 passed in MVC No. 7418/2022 by XXI Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-23).

2. Even though the appeal listed today for admission it is taken up for disposal with the consent of learned counsels appearing for parties.

3. The respondent made a claim petition to award compensation for the death of her son –Pradeep M., in a road traffic accident occurred on 27.11.2022 contending that the accident occurred due to the rash and negligent

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driving of the driver of the KSRTC Rajahamsa Bus bearing registration No.KA-07/F-1849. The Tribunal after recording evidence, appreciating the evidence on record has awarded the compensation and held that the accident occurred due to the sole rash and negligent driving of KSRTC Bus and directed the KSRTC to pay the award amount. The KSRTC has challenged the said judgment of the Tribunal in the present appeal.

4. Heard learned counsel for appellant -KSRTC and learned counsel for respondent –claimant.

5. Learned counsel for appellant -KSRTC would contend that the Sketch –Ex.P4 does not depict the correct picture of the accident and spot shown is not correct. The photographs -Ex.R1 indicate that the right side of the mud guard of the bus has been damaged and bus was parked on the left side of the road. The said aspect clearly indicates that there is contributory negligence on the part

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of the rider of the motorcycle. With these, he prays to allow the appeal filed by the KSRTC.

6. Learned counsel for claimant/respondent would contend that the charge sheet –Ex.P8 has been filed against the driver of the KSRTC Rajahamsa Bus for rash and negligent driving for offences punishable under Sections 279, 337 and 304A of IPC. The said charge sheet has not been challenged by the driver of the KSRTC bus and the same has been stated by him in his evidence. The sketch –Ex.P4 depict that the accident has taken place on the right side of the road on which bus was proceeding and on the left side of the road on which the motorcycle was moving. She further submits that considering the said aspect, the Tribunal has rightly held that the accident occurred due to the rash and negligent driving of KSRTC bus driver. With these, she prayed to dismiss the appeal.

7. Having heard learned counsels, the Court has perused the judgment, award and trial court records.

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8. The accident occurred on 27.11.2022 at 04:30 p.m. Ex.P1 is the FIR and it is registered on the basis of first information filed by one Vishwanath B. The FIR has been registered against the driver of the KSRTC Rajamsa Bus bearing registration No.KA-07/F-1849 for offences punishable under Section 279, 337 and 304A of IPC. The police after investigation have filed charge sheet as per Ex.P8 against the driver of the KSRTC bus for offences punishable under Sections 279, 337 and 304A of IPC. Column No.17 of the charge sheet indicate that the deceased was pillion rider on Honda Dio two wheeler bearing registration No.KA-04/JW -8470 and one Ganesh was riding the said two wheeler and it was proceeding from Kolar towards Bangarpet. KSRTC Rajhamsa Bus bearing registration No.KA-07/F-1849 was proceeding from Bangarpet towards Kolar and the said bus has dashed to the motorcycle and as result, the deceased sustained fatal injuries. As per the said charge sheet and Ex.P4 sketch, the accident has taken place on right side of

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the road on which bus was proceeding and left side of the road on which motorcycle was proceeding. The very said aspect clearly indicate that the bus went to its right side and dashed to the motorcycle of the deceased. Ex.R1 are photos of the bus taken after the accident. Merely because the bus was on the left side of the road after the accident, it cannot be said that the accident occurred due to the contributory negligence of the rider of the motorcycle. The damage to the bus on right side of its mudguard indicate that bus dashed to the two wheeler on which the deceased was pillion rider. The KSRTC bus driver has not challenged the charge sheet filed against him for rash and negligent driving. R.W.1 -KSRTC driver has admitted that accident had occurred on the right side of the bus. Considering these aspects, the Tribunal has rightly held that the accident occurred due to the sole rash and negligent driving on the part of the driver of KSRTC bus.

9. In view of the above, the following

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ORDER

i) The appeal is ***dismissed.***

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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