HC-KAR

NC: 2026:KHC:21633
M.F.A. No.8238/2019
C/W M.F.A. No.8239/2019
M.F.A. No.8240/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.8238/2019 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.8239/2019 (MV-I)

MISCELLANEOUS FIRST APPEAL NO.8240/2019 (MV-I)

IN M.F.A. No.8238/2019:

BETWEEN:

SHIVAKUMAR ALIAS KUMARASWAMI
S/O LATE KUPPAIAH @ PUPPAIAH
R/AT KODAGIHALLI VILLAGE
(BELURU), PALYA HOBLI
ALURU TALUK, HASSAN DIST.

...APPELLANT

(BY SRI. ABHIJITH M.M. ADV.,)

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

AND:

THE DIVISIONAL CONTROLLER
KSRTC, HASSAN DIVISION
HASSAN
(OWNER OF KSRTC BUS BEARING
REG. NO. KA-13-F-1642).

...RESPONDENT

(BY SRI. BALARAJ A.C. ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.10.2017 PASSED IN MVC NO.999/2015 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, ADDITIONAL MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.F.A. NO.8239/2019:

BETWEEN:

HARUNAKSHI ALIAS ARUNAKSHI
D/O SHIVARAJU
AGED ABOUT 17 YEARS
APPELLANT BEING MINOR
REP. BY HER NATURAL GUARDIAN
FATHER SHIVARAJ S/O RUDREGOWDA
R/AT MADABALU VILLAGE
PALYA HOBLI, ALURU TALUK
HASSAN DIST 57.

...APPELLANT

(BY SRI. ABHIJITH M.M. ADV.,)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, HASSAN DIVISION
HASSAN (OWNER OF KSRTC,
BUS BEARING REG. NO. KA-13-F-1642).

...RESPONDENT

(BY SRI. BALARAJ A.C. ADV.,)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED.13.10.2017 PASSED IN MVC NO.1000/2015 ON THE FILE OF THE 5TH ADDITIONAL DISTRICT AND SESSIONS JUDGE, ADDITIONAL MACT, HASSAN, PARTLY ALLOWING THE

CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.F.A. NO.8240/2019:

BETWEEN:

SRI. MAHESHA S.S.
S/O SAGANAIAH
AGED ABOUT 26 YEARS
R/AT KAMATHISHETTIHALLI
PALYA HOBLI, ALURU TOWN AND TALUK
HASSAN DISTRICT 57.

...APPELLANT

(BY SRI. ABHIJITH M.M. ADV.,)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, HASSAN DIVISION
HASSAN
(OWNER OF KSRTC, BUS BEARING
REG NO. KA-13-F-1642).

...RESPONDENT

(BY SRI. BALARAJ A C.,ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.10.2017 PASSED IN MVC NO.998/2015 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, ADDITIONAL MACT, HASSAN, 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

MFA No.8238/2019 is arising out of MVC No.999/2015; MFA No.8239/2019 is arising out of MVC No.1000/2015 and MFA No.8240/2019 is arising out of MVC No.998/2015.

2. These appeals are arising out of the common judgment and award dated 13.10.2017 passed in the MVC No.999/2015, MVC No.1000/2015 and MVC No.998/2015 by the V Additional District and Sessions Judge and Additional MACT, Hassan (for short, 'Tribunal').

3. Though these appeals are listed for admission, they are clubbed together and taken up for final disposal with the consent of learned counsel for the parties.

4. Heard Sri.Abhijith M.M., learned counsel for the appellant and Sri.Balaraj A.C., learned counsel appearing for the respondent-corporation.

5. The records indicate that the appellants filed the claim petitions under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the injuries suffered by them in the road traffic accident which occurred on 28.12.2014. The records indicate that the appellants were inmates of the bus of the respondent-corporation and due to the rash and negligent driving of the bus by its driver, resulted in accident and the appellants sustained injuries. In order to prove the averments in the claim petition, the claimants examined themselves as witnesses and got marked Exs.P1 to P12. The perusal of the oral evidence of the claimants as well as the Exs.P1 to P4 indicate that the injuries suffered by the appellants are due to the rash and negligent driving of the bus of respondent-corporation by its driver and hence, the respondent-corporation is liable to pay the compensation.

6. The perusal of the medical records indicates that all the appellants have sustained simple injuries which are referred by the Tribunal by considering wound

certificates on record. Considering the nature of injuries suffered and difficulty faced by the appellants, in my considered view, instead of awarding meager compensation under some of the heads, the interest of justice would be met if an additional compensation of Rs.50,000/- is awarded to each of the appellants in addition to what has been awarded by the Tribunal. Accordingly, an additional compensation of ***Rs.50,000/-*** is awarded to each of the appellants.

7. In modification of the impugned judgments and awards of the Tribunal to the above extent, the appeals are ***partly allowed.*** The additional compensation amount of ***Rs.50,000/-*** shall carry interest at the rate of 6% per annum from the date of petition till the date of payment excluding the interest for the delayed period as per the order dated 21.09.2022.

The respondent-Corporation shall deposit the additional compensation along with accrued interest before

the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

On such deposit, the additional compensation amount along with accrued interest shall be released in favour of the appellants-claimants.

Registry shall transmit the records to the Tribunal forthwith.

Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 2 Sl No.: 10