HC-KAR

CNR: KAHC010575862026

NC: 2026:KHC:60963
MFA No. 6187 of 2026
C/W MFA No. 1752 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6187 OF 2026

(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL No. 1752 OF 2026

(MV-D)

IN MFA No. 6187/2026

BETWEEN:

1. SMT. ASFIYA BANU
   W/O. LATED MOHAMMED AMJAD
   AGED ABOUT 34 YEARS.

2. MOHAMMED ARHAM
   S/O. LATE. MOHAMMED AMJAD
   AGED ABOUT 13 YEARS.

3. MOHAMMED ARSALAN
   S/O. LATE. MOHAMMED AMJAD
   AGED ABOUT 10 YEARS.

4. MOHAMMED ARSALAN
   S/O. LATE. MOHAMMED AMJAD
   AGED ABOUT 5 YEARS.

   PETITIONER No.2 TO 4 ARE MINORS
   THEY ARE REPRESENTED BY
   1ST APPELLANT MOTHER AS A NATURAL GUARDIAN.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

ALL THE APPELLANTS ARE R/AT
96, 4TH MAIN ROAD
5TH CROSS SHAMANNA GARDEN
BENGALURU – 560 026.

NOW ALL THE APPELLANTS ARE RESIDENT OF
4TH CROSS, SRI RAM NAGARA TUMKURU TALUK
TUMKUR DISTRICT – 577 101.

…APPELLANTS

(BY SRI. MALLIKARJUN B RYAKHA, ADVOCATE)

AND:

THE MANAGING DIRCTOR
REP BY CHENNAPPA GOWDA
DIVISIONAL CONTROLLER OF CHICKBALLAPURA
KSRTC, CHIKKABALLAPURA
DIVISON CHICKKABALLAPURA- 562 101.

BRANCH OFFICE
THE MANAGING DIRECTOR
KARNATAKA STATE ROAD
TRANSPORTATION CORPORATION
TUMAKURU DIVISION BEHIND
PRASHANTH TALKIES, OPPOSITE TO GUBBI
VEERANNA KALASHETRA
TUMKURU DISTRICT-577 101.

…RESPONDENT

(BY SRI. JAGADEESH G S, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:12-09-2025 PASSED IN MVC No.1569/2023 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, TUMAKURU PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

IN MFA No. 1752/2026

BETWEEN:

THE MANAGING DIRECTOR
DIVISION CONTROLLER OF CHIKKABALLAPURA
KSRTC, CHIKKABALLAPUR DIVISION
CHIKKABALLAPURA BRANCH OFFICE
THE MANAGING DIRECTOR KSRTC
TUMAKUR DIVISION, BEHIND PRASHANTHA TALKIES
OPPOSITE TO GUBBI VEERANNA KALASHETRA
TUMAKUR, DISTRICT.
REP. BY ITS CHIEF LAW OFFICER
CENTRAL OFFICES, K. H. ROAD
SHANTHINAGAR, BENGALURU-560 027.

...APPELLANT

(BY SRI. JAGADEESH G S, ADVOCATE)

AND:

1. ASFIYA BANU
   W/O MOHAMMED AMJUAD
   AGED ABOUT 34 YEARS

2. MOHAMMED ARHAM
   S/O MOHAMMED AMJUAD
   AGED ABOUT 13 YEARS.

3. MOHAMMED ARSALAN
   S/O MOHAMMED AMJUAD
   AGED ABOUT 10 YEARS.

4. MOHAMMED ARSALAN
   5/O MOHAMMED AMJUAD
   AGED ABOUT 05 YEARS.

   ALL ARE RESIDING AT No.96, MAIN ROAD
   5TH CROSS, SHAMANNA GARDEN
   BANGALORE-560 026.

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RESPONDENT No.2 TO 4 ARE MINORS
THEY ARE PRESENTED BY THEIR
NATURAL GUARDIAN AND NEXT FRIEND
R RESPONDENT No.1.

NOW ALL THE RESPONDENTS ARE
R/AT 4TH CROSS, SRI RAM NGARA TUMAKUR TALUK
TUMAKURU DISTRICT.

...RESPONDENTS

(BY SRI MALLIKARJUN B RYAKHA, ADVOCATE)

THIS MFA IS FILED UNDER SECTON 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:12.09.2025 PASSED IN MVC No.1569/2023 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM TUMAKURU, AWARDING COMPENSATION OF Rs.22,45,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. MFA No. 6187/2026 is filed by the claimants seeking enhancement of the compensation awarded in MVC No. 1569/2023 and MFA No. 1752/2026 is filed by the KSRTC challenging the liability fastened on it to pay the amount awarded in the judgment and award dated

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12.09.2025 passed in MVC No. 1569/2023 by the I Additional Senior Civil Judge and MACT, Tumakuru.

2. Claimants made a claim petition praying to award compensation for the death of Mohammed Amjad in a road traffic accident that occurred on 17.10.2023 contending that the accident occurred due to the rash and negligent driving by the driver of the bus bearing registration No. KA-40-F-1123. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of dependency	Rs.20,25,000/-
2	Loss of consortium	Rs.40,000/-
3	Loss of love and affection	Rs.1,50,000/-
4	Funeral expenses and transportation of dead body	Rs.15,000/-
5	Loss of estate	Rs.15,000/-
	Total	**Rs.22,45,000/-**

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed the KSRTC to deposit the said

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award amount with interest. Claimants have filed the appeal seeking enhancement of the compensation awarded and the KSRTC has filed the appeal challenging the liability fastened on it.

4. Heard learned counsel for KSRTC and learned counsel for claimants.

5. Learned counsel for KSRTC would contend that the deceased was traveling in Autorickshaw bearing registration No. KA-05-AE-7075 and driver of the said Autorickshaw was not holding Driving License to drive the Autorickshaw and at the time of accident, the driver was not having the permit to drive the Autorickshaw in Gowribidanuru and he violated the permit. As per Ex.P.4 – sketch, accident occurred in the middle of the road and therefore there is negligence on the part of the driver of the Autorickshaw. Considering the same, the Tribunal ought to have dismissed the claim petition filed against the KSRTC.

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6. Learned counsel for claimants would contend that charge sheet – Ex.P.10 is filed against the driver of the bus for rash and negligent driving and for offence under Sections 279, 338 and 304-A of IPC. The accident occurred on the right side of the road on which the driver of the bus was riding and it clearly indicates the rash and negligent driving by the driver of the bus. Considering the same, the Tribunal has rightly held that the accident occurred due to the rash and negligent driving by the driver of the KSRTC bus. He further submits that the deceased was aged 36 years as on the date of accident; the notional income fixed for the year 2023 is Rs.16,250/- and it is to be taken as against Rs.15,000/- taken by the Tribunal. The Tribunal has not added 40% escalation. The Tribunal has not awarded consortium to all the claimants adding 20% escalation. The Tribunal has not added 20% escalation on funeral expenses and loss of estate.

7. Having heard learned counsel for the parties, this Court has perused the judgment and award.

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8. The following points arise for consideration in these appeals:

I. Whether the Tribunal is justified in fastening the liability on the KSRTC?

II. Whether there are any grounds for enhancement of the compensation awarded by the Tribunal?

9. **REASONS ON POINT No. I :** The accident occurred on 17.10.2023 at 04.30 pm. Claimant was traveling in Autorickshaw bearing registration No. KA-05-AE-7075. KSRTC bus bearing registration No. KA-40-F-1123 came and dashed to the Autorickshaw. Ex.P.10 is the charge sheet and it is filed against the driver of the bus for rash and negligent driving, for offence under Sections 279, 338 and 304-A IPC. Ex.P.4 is the sketch of the spot of accident and on perusal of Ex.P.4 it is seen that the accident has taken place on the right side of the road on which the bus was moving and on the left side of the road on which the Autorickshaw was moving. That clearly indicates that the bus came to right side and dashed to the

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Autorickshaw coming on the opposite side, on its proper side, i.e., left side.

10. Claimant being a third party, violation of permit has nothing to do with the liability to pay the compensation amount by the KSRTC. Considering the same, the Tribunal has rightly held that the accident occurred due to the sole rash and negligent driving by the driver of the bus. Accordingly, point No. I is answered.

11. **REASONS ON POINT No. II:** The accident occurred on 17.10.2023 and as on the date of accident deceased was aged 36 years. Considering the said age of the deceased, the Tribunal has rightly applied the multiplier `15'. Notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.15,000/- taken by the Tribunal. The Tribunal has rightly deducted 1/4th towards the personal expenses of the deceased. The Tribunal has not added 40% future prospects. In view of the decision of the Hon'ble Apex Court in the case of ***National Insurance Company Vs***

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Pranay Sethi and Others reported in ***AIR 2017 SC 5157*** future prospects are to be added at 40% since the deceased was aged 36 years.

12. In view of the above, loss of dependency is calculated as under:

16,250 + 40 % = Rs.22,750/-

22,750 – ¼ = Rs.17,063/-

17063 X 12 X 15 = Rs.30,71,340/-

13. Claimants being wife and three minor children of the deceased are entitled to consortium with 20% escalation since the accident has taken place after six years from the decision in the case of ***Pranay Sethi (supra)***. Therefore, claimants are entitled to consortium in a sum of Rs.1,92,000/- (Rs.48,000 X 4) as against Rs.40,000/- awarded by the Tribunal towards loss of consortium and Rs.1,50,000/- towards loss of love and affection.

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14. Even though the Tribunal has awarded loss of estate and funeral expenses and transportation of dead body, it has not added 20% escalation. Therefore, claimants are entitled to funeral expenses of Rs.18,000/- and loss of estate in a sum of Rs.18,000/-.

15. In view of the above, claimants are entitled to total compensation under various heads as under:

1	Loss of dependency	Rs.30,71,370.00
2	Loss of consortium	Rs.1,92,000.00
3	Funeral expenses	Rs.18,000.00
4	Los of estate	Rs.18,000.00
5		
	Total	**Rs.32,99,370.00**

16. Considering the above aspects claimants are entitled to total compensation of Rs.32,99,370/- as against Rs.22,45,000/- awarded by the Tribunal with interest. Accordingly, point No. II is answered.

17. Consequently, claimants are entitled to enhanced compensation of Rs.10,54,370/- with interest at the rate of 6% p.a. from the date of petition till the date of

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realization. KSRTC is liable to pay the said enhanced compensation with interest. Claimants are not entitled to interest for the delay period of 249 days in filing the appeal as per the order dated 06.10.2026 passed on I.A. No. 1/2026.

18. In view of the above, the following;

O R D E R

i. Appeal filed by the KSRTC in MFA No. 1752/2026 is dismissed.

ii. Appeal filed by the claimant in MFA No. 6187/2026 is allowed in part.

iii. Claimants are entitled to enhanced compensation of Rs.10,54,370/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

iv. KSRTC shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

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v. Claimants are not entitled to interest for the delay period of 249 days.

vi. Claimants are entitled to enhanced compensation in the ratio of 70 : 10 : 10 : 10.

vii. Out of the share of claimant No.1 , 50% shall be released to her and remaining 50% shall be kept in Fixed Deposit in her name with any nationalized/schedule Bank for a period of 3 years.

viii. Entire share of claimant Nos. 2 to 4 in the enhanced compensation shall be kept in Fixed Deposit in their names with any nationalized/schedule Bank till they attain majority

ix. Amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
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