

:J U D G M E N T:

The present claim petition filed by the petitioner for grant of compensation for the loss of movable and immovable properties due to the impact of accident as the driver of the NWKSRTC Bus bearing Reg.No.KA-25-F-2977 hit the shed and rush forward in the shed forcefully and caused damages. Accordingly, the petitioner claimed compensation amount of ₹.20,00,000-00 with interest at the rate of 18% per annum.

The gist of the petition hereunder;

2. The petitioner was the resident of Baad village of Dharwad Taluka and he was a businessman by profession indulged in fabrication works. The petitioner also had land on the Dharwad-Haliyal main road, bearing Survey No.53/4 and having constructed a shed and wherein he carried purchase and sale of second hand materials i.e. modka business. The petitioner purchased huge quantities of steel, iron and plastic materials and sold them to various factories and thereby getting huge profits.

3. Such being the facts, on 07.05.2023, a NWKSRTC bus bearing Reg.No.KA-25/F-2977 proceeding from Dharwad towards Dandeli, near the property of the petitioner, drove the bus by its driver in high speed in rash and negligent manner and taken to its extreme right thereby dashed the shed and push forward into shed resultant alleged accident.

4. Due to the impact of the accident, almost the shed of the petitioner is damaged and due to which the petitioner sustained loss to an extent of 20 to 30 lakhs. Again the vehicle not only damaged the shed but also caused damages to the materials stored in the unit. Due to the impact of the accident, the petitioner now intends to demolish the shed because he cannot repair the shed. Due to the impact of the accident, the business of the petitioner was stopped and the petitioner incurred monetary loss. Hence, on the grounds, the petitioner prays to allow the petition and award compensation as prayed for.

The substance of the objections of the respondents in brief hereunder:

5. Pursuant to the notice issued by the Tribunal, the respondents appeared before the Tribunal and filed their common objection contending that the claim petition is not at all tenable in the eye of law or on facts and thus deserves to be dismissed. The petition is bad for mis-joinder of parties thus on the said count also the petition deserves to be dismissed. Further, the respondents have denied the entire averments having regard to existence of the property in which the petitioner was indulged in the business and he was earning ₹1,00,000 per month. It is the contention of the respondents that the driver of the bus bearing Reg.No.KA-25/F-2977 was proceeding and driving the bus at moderate speed by observing all traffic Rules and regulations. Due to the bad condition of the road, the clutch bolt was cut and thus the driver of the bus lost his control and grip over the bus, resulting in an alleged accident. The alleged accident is not due to rash and negligent manner of driving of the bus. Hence, the

present claim petition is not sustainable. The compensation claimed by the petitioner is exorbitant and without any basis. Considering these grounds, pray to reject the petition.

6. On the basis of the rival pleadings, the Tribunal framed following :

: I S S U E S :

- 1. Whether the petitioner proves that his shed and the materials of the unit was damaged in the accident occurred on 07.05.2023, at about 06-45 a.m., near Akbar Nagar, Baad gram, Dandeli road, Dharwad, due to rash and negligent driving of KSRTC bus bearing Regn. No.KA-25/F-2977 by its driver?**
- 2. Whether the petitioner is entitled for compensation? If so, what is the quantum of compensation and from whom?**
- 3. What order or award?**

7. In order to substantiate their respective assertions and contentions, for the petitioner, petitioner himself examined as P.W-1. In addition to his oral testimony produced as many as 9 documents and got Ex.P1 to Ex.P9. On the other hand, for the respondents, one Basavaraj Veeraganti, a driver of the respondents'

Corporation was examined as R.W-1 and one document exhibited at Ex.D1.

8. Heard arguments.

9. Perused the available materials.

10. My findings on the aforementioned issues are hereunder:

Issue No.1 : **In the Affirmative,**

Issue No.2 : **Partly in the Affirmative,**

Issue No.3 : **As per final order** for the following,

:REASONS:

11. **Issue No.1:** It is the case of the petitioner that he was the permanent resident of Baad Village in Dharwad Taluka had land near the Dharwad-Dandeli Road at Dharwad and he was indulged in a business of purchase and sale of scraps of iron, steel and plastic. Further stated that he has erected a commercial shed and wherein he has been doing sale and purchase of second hand materials i.e. modka business and selling to various factories and thereby earning huge profits.

12. It is pertinent to note that the respondents have not denied and disputed the factum of the

accident, but their contention is that due to mechanical defects or conditions of the bus, the alleged accident occurred. But so far as the proof of their specific defence is concerned, except the oral testimony of R.W-1, no substantial piece of evidence placed on record. So far as the proof of the alleged accident is due to rash and negligent manner of driving by the driver of the bus concerned, the petitioner herein produces the certified copy of the FIR, first information, photographs, and the charge sheet and marked as Ex.P1, Ex.P2, Ex.P3 and Ex.P8. The documentary evidence placed on record, itself is clear that the alleged accident occurred due to rash and negligent manner of driving of the bus by the accused.

13. Under the facts and circumstances of the case, the Tribunal inclined to analyze the evidence whether the alleged accident occurred due to the involvement of the bus Reg.No.KA-25/F-2977 and such accident resulting in sustained loss of the property belonging to the petitioner. The certified copy of the first information, first information report, the photographs, and the

charge sheet, as placed on record goes to demonstrate that the bus crashed into the shed of the petitioner and due to the impact of force the wall of the shed was damaged and the materials stored in the shed.

14. The RTC pertaining to the land bearing Survey No.53/4 marked as Ex.P5 speaks about the existence of the landed property that stands in the name of petitioner and other persons, but does not throw light that the shed in question was erected on the said land. The licence issued by the petitioner Nigadi Grama Panchayath produced and marked as Ex.P4 and the said document speaks that the petitioner got trade licence but it was in force till 31.03.2015 and as on the date of alleged accident Ex.P4 was not in force and thus clear that the petitioner not carrying such business under the valid authorisation issued by the competent authority. Since the respondents have admitted the factum of alleged accident, hence there is no necessity to discuss much more about the facts which are not in dispute. The photographs, as marked as Ex.P3 goes to show the manner in which the bus knocked the wall of

the shed and rushed into the premises. Further it is pertinent to note that Ex.P3 is not at all denied and disputed by the respondents. Hence, the prima facie reveals that the alleged accident occurred due to the rash and negligent manner of driving of the driver of the bus resulting in loss of properties of the petitioner. From over all consideration of materials on record the petitioner demonstrated that the shed and the materials stored in the shed are damaged due to the impact of an accident by the bus of the respondents Corporation. Hence, **issue No.1 answered in the affirmative.**

15. **Issue No.2:** The onus of proof initially was on the petitioner. The petitioner was required to establish his case with an aid of reliable and cogent evidence. According to the petitioner, he indulged in fabrication work, purchasing and selling of the wastage of steel, iron and plastic materials and running a factory for the last 15 to 16 years by obtaining a valid license. But Ex.P4 itself is not in force as on the date of the alleged accident.

16. In order to substantiate his specific assertion that due to the impact of the accident the petitioner sustained huge loss as the wall of the shed was felled and the materials stored are also sustained damages, the petitioner mainly relied on the report as issued by Universal General Construction that was exhibited as Ex.P7. So far as the existence of the business/running of the factory on the basis of valid license as on the date of alleged accident is concerned, the petitioner himself has admitted that the trade license was not in force. The fact that admitted by P.W.1 itself does not throw light that the petitioner was running such a factory or business in the shed as asserted in the petition cannot be reliable. Further, it is pertinent to note that the RTC pertaining to land bearing Sy.No.53/4 has produced and marked as Ex.P5. but there was no nexus between the shed in question as well as the land. The electricity bills are produced and marked as Ex.P6 and those bills are pertaining to the year 2024 and 2025 and those documents are not throwing light that the electricity connection related to the shed sustained damage.

Hence those documents may not come to an aid of the petitioner to substantiate his assertion.

17. The documents as relied on by the petitioner cannot be a basis to determine the compensation in the absence of reliable and cogent evidence. In this case, the petitioner claimed an amount of ₹20,00,000/- as compensation. The basis to claim such a huge amount concerned absolutely no evidence. In this case the petitioner has not prepared an inventory in respect to the nature, quality and quantity as well as the worth of the materials stored in the shed or sustained damages or loss due to the impact of an accident appointing a court commissioner. Further the petitioner has not tried to assess the actual loss sustained with an aid of any experts in such filed. Hence, the assertion that the petitioner has lost several materials due to the impact of the accident cannot be accepted. In this case the petitioner has produced a detailed estimation , prepared by Universal General Construction and marked as Ex.P7. Perusal of Ex.P7, it appears that the detailed estimation prepared for demolition of existing structure

and reconstruction. However, Ex.P7 is not a piece of evidence that speaks about the damages sustained to the shed in question due to the impact of an accident. Absolutely Ex.P7 has no relevance to determine and assess the actual loss sustained by the petitioner due to the impact of accident. In this context, the petitioner is not tried to collect and produce substantial piece of evidence and tried to convince the Tribunal to award just compensation. During cross examination P.W-1 himself admitted that the Ex.P7 is a detailed estimation in respect to erection of a new building. Hence, the said document itself does not whisper the damages sustained by the petitioner thus cannot be considered as a material document to assess and determine just compensation.

18. Further it is pertinent to note that P.W-1 himself admitted that since 2015 till the date of accident he has not renewed trade licence. The fact that admitted by P.W.1 itself goes contrary to his own assertion having regard to running business at the relevant point of time. Hence, I am of the view that the

petitioner failed to establish that he was carrying the business at a relevant point of time. P.W-1 further admitted that he has not produced any documents that speak about purchase and sale of scrap of materials like plastic, iron and steel and he has paid and received the amount in lieu of such trade. The fact that admitted by P.W-1 itself goes to show that as on the date of accident the petitioner was not indulged in such a business.

19. Going through the entire evidence placed on record it is clear that the petitioner has not tried to produce substantial materials in support of his assertion to award compensation as claimed. The facts that were admitted by the petitioner during his cross-examination itself goes contrary to his own assertion. Except the bare statement of PW1, absolutely no documentary evidence as forthcoming on record to believe the version of the petitioner. However the photograph marked as Ex.P3 throwing light that the NWKRTC bus bearing Reg.No.KA-25/F-2977 damaged the wall of the shed and rushed into the shed. But

Ex.P3 is not throwing any light on the nature and quantity of the materials stored in the said premises and due to the impact of the alleged accident.

20. The factum of the alleged accident was established, but, to determine and award just compensation concerned, absolutely there was no reliable and cogent evidence forthcoming on record. But under the facts and circumstances of the case the Tribunal inclined to grant the compensation exercising the discretionary powers and considering the impact of the accident the shed was damaged and the petitioner required money for repair or restructured the shed. From over all consideration of materials on record I am of the view that the petitioner is entitled for a total compensation amount of ₹50,000/-.

21. The petitioners claimed 18% of interest per annum from the date of petition till the entire realisation. But the rate of interest as claimed by the petitioner was contrary to well settled principles of law and absolutely have no basis for consideration. Hence the petitioners are entitled to claim the compensation

amount with interest at the rate of 6% per annum from the date of petition till entire realisation. The respondents being the owner and insurer of the said bus involved in the accident are liable to pay the compensation. Hence, in the above view, **Issue No.2 answered partly in the affirmative.**

22. **Issue No.3:** In view of my findings to the aforementioned issues, I proceed to pass following;

: O R D E R :

The petition filed by the petitioner under Section 166(1) of the Motor Vehicles Act is hereby allowed in part.

The petitioner is entitled for a total compensation amount of ₹50,000/- with interest at the rate of 6% p.a. from the date of petition till the entire realisation.

The petitioner is also entitled for cost of litigation.

Since the award amount was meager, hence the respondents are directed to deposit the entire compensation amount with accrued interest to the account of the petitioner.

The petitioner is hereby directed to furnish his bank account details to the respondents and in turn the respondents

shall deposit the entire compensation amount with interest within two months from the date of award as per the guidelines issued by the Hon'ble Supreme Court the decision reported in 2025 SCC Online 567 and as per the General Circular No.2 of 2019 dated 19.08.2019 Issued by the Hon'ble High Court of Karnataka. Bengaluru, to the bank accounts of the petitioner with due intimation to the Tribunal with details.

The petitioner is hereby directed to produce particulars of his bank account with the name of bank, IFSC Code, Account Number with copy of the first page of bank pass book which contains compulsory the photographs of the account holder duly attested by the Manager of concerned bank.

The advocate's fee is fixed at ₹.500-00.

Draw the award accordingly.

(Judgment dictated in adalath AI software directly thereafter the same is corrected and shared with login of the Stenographer and order/Judgment is pronounced in the open Court by me on the 06th day of May, 2026).

(Venkatesha Naika V)
Prl. Senior Civil Judge and
MACT., Dharwad.

: ANNEXURE :**1. List of witnesses examined for petitioners:**

P.W.1 : Jafarulla Khan S/o. Noorulla Khan Jahagirdar

2. List of documents marked for petitioners:

Ex.P-1 : C.C of FIR

Ex.P-2 : C.C of complaint

Ex.P-3 : 04 photographs

Ex.P-4 : Permission given by Nigadi Gram Panchayath

Ex.P-5 : RTC of land bearing Sy.No.53/4 of Baad village

Ex.P-6 : Electricity Bill

Ex.P-7 : Report given by Universal General Constructions

Ex.P-8 : C.C. of Charge sheet in C.C.No.1/2023

Ex.P-9 : Kabuli letter (Consent letter)

3. List of witnesses examined for respondents:

RW-1 : Basavaraj Veerappa Veeraganti

4. List of documents marked for respondents:

Ex.R-1 : Authorization letter

(Venkatesha Naika V)
Prl. Senior Civil Judge and
MACT., Dharwad.