

KAVN500018312023



**IN THE COURT OF THE SENIOR CIVIL JUDGE  
& VII AMACT, HARAPANAHALLI**

Dated this the 07<sup>th</sup> Day of March, 2026

**PRESENT**

**Smt. Usharani. R. B.A.L., LL.M.,**  
Senior Civil Judge and VII Addl. MACT.,  
Harapanahalli.

**M.V.C. No.823/2023**

Sri.Chigari Yallappa s/o Sanna Balappa alias  
Bhodappa, aged about 48 years, Occ: Sheep  
Raring, R/o. 12<sup>th</sup> ward, Kurubaragere,  
Harapanahalli Town, Vijayanagara District.  
(Aadhar No.2553 2388 0033)

..... Petitioner

**(By Sri.K.B.R, Advocate)**

-Vs-

1) Sri. K. Ningappa s/o Kotrappa, aged about 43  
years, Occ: Driver of K.K.R.T.C bus bearing its  
registration No.KA-35/F-97, Huvinahadagali  
Depot, Huvinahadagali Town, Vijayanagara  
District.

2) The Depot Manager, K.K.R.T.C), bus bearing its registration No.KA-35/F-97, Huvinahadagali Depot, Huvinahadagali Town, Vijayanagara District.

3) The Division Controller, K.K.R.T.C), Division Office, Hospet Town, Vijayanagara District.

.....Respondents

**(Respondent No.1 Abated  
Respondent No.2 placed exparte)  
(By Sri. VGP Advocate for R.3)**

### **JUDGMENT**

This claim petition has arisen out of the accident that took place on 11.07.2022

#### **2. Brief facts of the case:-**

The petitioner is a owner of 220 sheep and 20 goats and he does sheep rearing business. On 11.07.2022 the petitioner was proceeding with his flock of sheep to graze them near the Uchhengemma Hill. After grazing they were returning to their shed and they came near the toll gate near Sri.Adi Durugamma Temple on the Harapanahall-Huvinahadagali main road at about 7.45 pm, the driver of K.K.R.T.C Bus bearing No.KA-35/F-97 came from Huvinahadagali side driving his bus in a high

speed, rash and negligent manner, so as to endanger human life and personal safety of others suddenly lost control over his bus and dashed to the flock of sheep and goat and caused the accident. Due to the impact of accident 26 sheep sustained grievous injury, out of them 16 sheep and 1 goat died on the spot and 10 sheep were sustained grievous injuries and 2 sheep died. Thus totally 18 sheep and 1 goat has died due to accidental injuries.

3. It is averred that, the petitioner had owned 220 sheep and 20 number of goats and he was doing sheep rearing business and had constructed temporary shed i.e., Kurihatti Near Adi Durugamma Temple in their own land. The value of the sheep was around Rs.15,000/- to Rs.20,000/-. Out of 16 sheep, 15 sheep were pregnant. Each baby sheep was worth Rs.8,000/-. Due to sudden death of 18 sheep and one goat, 15 baby sheep, the petitioner sustained loss of Rs.4,95,000/-. The petitioner is also suffering mental agony. Hence, the present petition seeking compensation of Rs.9,05,000/-.

4. In response to the service of notice, respondent No.1 was reported dead, respondent No.2 placed exparte and respondent No.3 has appeared through his counsel. Respondent No.3 has filed objections to the claim petition.

5. In the objection respondent No.3 has contended that the petition filed by petitioner is false, frivolous and not maintainable. He further denied that the manner of accident, age of the sheep, nature of income to the petitioner. The compensation claimed is excessive and exorbitant.

6. He further contended that on the day of accident the driver of K.K.R.T.C Bus No.KA-35/F-97 was driving it cautiously on the extremely left side of the road and there was no negligence on the part of respondent No.1. There was negligence on part of the petitioner. Claim is not supported by reliable documents. Hence prayed for dismissal of the claim petition.

7. On the basis of claims and objections, this tribunal has framed the following:-

### **ISSUES**

1) Whether the petitioner proves that he sustained loss due to death of his sheep and also due to injuries sustained by his sheep in the accident that occurred on 11.07.2022 at about 7.45 pm on the road near toll gate near Adi Durugamma Temple on the Harapanahalli-Huvinahadagali road due to the rash and negligence of driver of K.K.R.T.C. bus bearing registration No.KA-35/F-97?

2) Whether the petitioner is entitled for compensation? If so, what would be the quantum? Who is liable to pay compensation?

3) What Order?

8. Heard arguments canvassed on both sides and perused the documents on record.

9. In order to prove the case, petitioner has got examined himself as PW.1 and got marked Ex.P 1 to P 36. Veterinary Doctor is examined as PW.2. Per contra, the respondents have examined RW.1 got marked office order dated 28.01.2026 as Ex.R1.

10. My findings on the above issues are as under:-

Issue No.1	In the Affirmative
Issue No.2	In the Affirmative as observed
Issue No.3	As per final order for the reasons that follow

### **REASONS**

11. **Issue No.1:-** Petitioner examined himself as PW.1 has reiterated all the material petition averments in his evidence. As per the oral evidence of PW-1 on 11.07.2022 at about 7.45 pm he was returning to his house with his flock of sheep and goat and at that time the respondent No.1 being the driver of K.K.R.T.C bus bearing No.KA-35/F-97 came in high speed, rash and negligent manner, so as to endanger human life and suddenly lost control over his bus and dashed to his flock of sheep and caused accident. He further deposed that due to this impact his sheep and goat sustained grievous injuries and some sheep and one goat died on the spot.

12. Ex.P.1 is the certified copy of FIR filed in Crime No.96/2022 of Harapanahalli Police against the accused Sri.Ningappa s/o Kotrappa for the offences U/Sec.279 and 429 of IPC. Ex.P.2 is the certified copy of the complaint filed by the

present petitioner Sri.Chigari Yallappa before the Harapanahalli Police alleging about the accident that took place on 11.07.2022. Complaint is lodged on 11.07.2022. Hence there is no delay in lodging the complaint.

13. Ex.P3 is the certified copy of charge sheet filed in Crime No.96/2022 of Harapanahalli Police against the accused Sri.K.Ningappa s/o Kotrappa, who is the driver of the K.K.R.T.C. bus bearing registration No.KA-35/F-97 for the offences punishable U/Sec.279 and 429 of IPC. Charge sheet reveals that due to the rash and negligent driving of the accused two sheep and one goat died and 10 sheep sustained grievous injuries and the owner has sustained loss to the tune of Rs.2,70,000/-. The IO has estimated the cost of one sheep at Rs.10,000/- and total loss is estimated as Rs.2,70,000/-.

14. Ex.P4 is the certified copy of the panchanama regarding injured and dead animals. Ex.P.5 is the certified copy of photograph. Ex.P.6 is the certified copy of spot panchanama. Ex.P.7 is the certified copy of photograph. Ex.P.8 is the certified copy of spot

sketch. Ex.P.9 is the certified copy of IMV report which shows front bumper damages to the bus bearing registration No.KA-35/F-97 due to impact of accident and the IMV inspector has opined that accident was not due to mechanical defect of the motor vehicle.

15. Ex.P.10 to 27 are certified copies of post mortem report of sheep. Ex.P.28 is the certified copy of post mortem report of goat. Ex.P.29 to 36 are the wound certificates of the injured sheep.

16. In the cross examination PW.1 stated that it was rainy season at the time of accident and his sheep were moderate in size. According to him the life span of sheep is 10 years. He denied that the life span is only 4-5 years. PW.1 stated that the sheep will give birth to young ones after one year. The life span would be reduced after giving birth to 3-4 young ones/lamb.

17. PW.1 admitted that he has not produced documents to show that he owned 150 sheep. He had not insured his animals. It is admitted that after dark he was taking back his animals to the shed. He had not carried torch. He denied that

since he was unable to control the sheep accident took place. He denied that sheep came across the bus.

18. PW.1 stated that a sheep would cost about eight to twenty thousand rupees. He denied that all his sheep were old aged and not pregnant.

19. Respondent No.3 examined respondent No.3 Mahesh B s/o Krishnappa as RW.1 who reiterated that there was no accident due to their fault. Petition is falsely filed and they are not liable to pay compensation. He got marked office order dated 28.01.2026 as Ex.R.1.

20. In the cross examination he admitted that charge sheet is filed against the driver of the K.K.R.T.C bus and they have not challenge the charge sheet. He stated that 16 sheep, 1 goat was dead and 10 sheep sustained grievous injury. He stated that he has no knowledge regarding death of animals subsequently.

21. Thus these police documents clearly go to show that, on the basis of the complaint the

police registered the charge sheet against the driver of said K.K.R.T.C. bus.

22. In the instant case, respondent No.1 is driver and the respondent No.2 is owner of the offending K.K.R.T.C bus bearing No.KA-35/F-97 involved in this accident. The respondents have not disputed the occurrence of the accident involving the K.K.R.T.C. bus.

23. Respondent No.3 has taken up contentions that, the petitioner was negligent and all of a sudden the animals came on the road and accident was due to fault on part of the petitioner. In my considered view, this contention of the insured has remained only contentions only as it is not proved by adducing clear and cogent rebuttable evidence.

24. As could be seen from the charge sheet and police papers marked at Ex.P.1 to P.9 it is clear that police registered the charge sheet against respondent No.1 who is the driver of K.K.R.T.C Bus bearing No.KA-35/F-97 after investigation. It therefore clear that the driver of the bus has been prosecuted for rash and

negligent riding of the insured vehicle and causing this accident.

25. In a case of accident, it is not mandatory to prove the guilt of the accused beyond all reasonable doubts. For the purpose of claim petition mere proof of accident due to negligence is sufficient. The degree of proof is proof by preponderance of probabilities. In this regard it is beneficial to rely on the decision reported in 2009 ACJ 287 in the case of National insurance company Vs Pushpa Rama and others wherein it was held that, the certified copy of the criminal court records such as FIR recovery memo and mechanical inspection of vehicle are documents of sufficient proof to reach the conclusion that the driver was negligent. Proceedings under Motor Vehicles Act are not akin to proceedings in a civil suit and hence strict rules of evidence are not required to be followed in this regard. Thus as per the ration laid down in the quoted ruling and on the basis of the police documents coupled with ocular evidence of PW. 1 it is sufficient to answer that, the accident was due to rash and negligence of driver of offending bus. Charge sheet is not challenged. Accident is also not seriously

disputed. Thus this tribunal is of the considered opinion that, the accident was due to actionable negligence on part of the driver of the offending vehicle which resulted in injuries to the flock of sheep and goat of the petitioner and some of them died. Hence, I am inclined to answer this issue no.1 in the affirmative.

26. **Issue No.2:-** Petitioner claims that, he is owner of the sheep and goat that died in the accident on the spot and subsequent to the accident some of the animals have died. Some of his animals had sustained grievous injuries.

27. To prove the injuries sustained by the animals domestic animals the petitioner examined the veterinary doctor Dr. Shivakumara Jyothi as PW.2. He deposed that he had treated the injured sheep and goat and also conducted post mortem of the deceased animals and issued certificates as per Ex.P.29 to P.36. He further deposed that the age of the sheep was between 4-5 years and 8 sheep were pregnant. During 2022 one sheep was worth Rs.10,000/-. About 22-25 kg of meat can be obtained from one sheep. 1 kg. of meat would cost Rs.600/-. The life span of one

sheep is 12 years and a sheep would deliver young ones for about six times in its life span. The injured sheep and goat were aged 3-4 years. The injured sheep and goat had sustained grievous injuries.

28. Ex.P.10 to 27 are certified copies of post mortem report of sheep. Ex.P.10 shows that a female sheep aged about 4 years died due to hemorrhage around brain and fracture of spinal cord. There was presence of dead foetus. It is opined that death was due to shock because of damaged to spinal cord.

29. Ex.P.11 shows that a female sheep aged about 3 ½ years died due to rupture of abdominal wall. It is opined that death was due to hypovolemic shock. Ex.P.12 shows that a female sheep aged about 2½ years died due to hemorrhage around brain and fracture of hind legs. It is opined that death was due to shock because of damage to vital organ. Ex.P.13 shows that a female sheep aged about 3 years died due to rupture of abdominal wall from thorax to abdomen. There was presence of dead fetus. It is opined that death was due to hypovolemic shock.

30. Ex.P.14 shows that a female sheep aged about 3 years died due to damage to abdomen. It is opined that death was due to hypovolemic shock. Ex.P.15 shows that a female sheep aged about 3 years died due to abdominal damage. It is opined that death was due to hypovolemic shock. Ex. P.16 shows that a female sheep aged about 3 years died due to rupture of abdomen. It is opined that death was due to hypovolemic shock. Ex.P.17 shows that a female sheep aged about 3 years died due to abdominal wall rupture. It is opined that death was due to shock because of damage to vital organ. Ex.P.18 shows that a female sheep aged about 3 years died due to rupture of abdomen. It is opined that death was due to shock because of damage to vital organ. Ex.P.19 shows that a female sheep aged about 3 years died due to fracture of right leg and rupture of abdomen. It is opined that death was due to hypovolemic shock. Ex.P.20 shows that a female sheep aged about 3 years died due to fracture of jaw and rupture of abdomen. It is opined that death was due to hypovolemic shock.

31. Ex.P.21 shows that a female sheep aged about 3 years died due to hip joint dislocation. It is opined that death was due to shock because of damage to vital organ. Ex.P.22 shows that a female sheep aged about 3 years died due to scratched wound on hoof. It is opined that death was due to shock because of damage to vital organ. Ex.P.23 shows that a female sheep aged about 3 years died due to scratch wound on thorax and head, fracture of ribs. It is opined that death was due to hypovolemic shock.

32. Ex.P.24 shows that a female sheep aged about 3 years died due to scratch wound on leg. It is opined that death was due to hypovolemic shock. Ex.P.25 shows that a female sheep aged about 3 ½ years died due to fracture of right forelimbs. It is opined that death was due to shock because of damage to vital organ. Ex.P.26 shows that a female sheep aged about 2 years died due to damage to spinal cord. It is opined that death was due to shock because of damage to vital organ.

33. Ex.P.27 shows that a female sheep aged about 3 years died due to fracture of spinal cord. It is opined that death was due to shock because of damage to vital organ. Ex.P.28 shows that a female goat aged about 3 years died due to tared wound on abdomen. It is opined that death was due to hypovolmic shock because of damage to vital organ.

34. Ex.P.29 shows that sheep had fracture of lumbar spinal cord and scratched wound on back. It is opined that wound might be due to hit by hand object. Ex.P.30 shows that sheep had fracture of hind fumer and wound on legs. It is opined that wound might be due to hit by hand object. Ex.P.31 shows that sheep had scratched wound on back and legs. It is opined that wound might be due to hit by hand object. Ex.P.32 shows that sheep had scratched wounds on hing legs. It is opined that wound might be due to hit by hand object.

35. Ex.P.33 shows that sheep had scratched wounds on back and fracture of front legs. It is opined that wound might be due to hit by hand object. Ex.P.34 shows that sheep had fracture of

hind left leg, femar and right front leg. It is opined that wound might be due to hit by hand object. Ex.P.35 shows that sheep had scratched wound on left thorax region. It is opined that wound might be due to hit by hand object. Ex.P.36 shows that sheep had scratched wound on back and hind legs. It is opined that wound might be due to hit by hand object.

36. PW.2 in the cross examination stated that he has mentioned the age on verifying the teeth of the animal. But, the size and number of teeth is not shown in the wound certificate. He denied that without following procedure he issued wound certificate. He admitted that he has not mentioned the size of injury and whether it is temporary or permanent. He has not mentioned weight of the animals.

37. Petitioner has not produced any document to show the cost of sheep and goat. In the cross examination PW.1 stated that it was rainy season at the time of accident and his sheep were moderate in size. PW.1 stated that a sheep would cost about eight to twenty thousand

rupees. According to PW.2 the cost of each sheep was around Rs.10,000/-.

38. As per Ex.P3 charge sheet the IO has estimated the cost of one sheep at Rs.10,000/- and total loss is estimated as Rs.2,70,000/-. Charge sheet reveals that two sheep and one goat died and 10 sheep sustained grievous injuries. But, postmortem report and wound certificate reveal that 18 sheep and 1 goat died and 8 sheep were injured.

39. Nothing is brought out in the course of cross-examination of PW-1 to disbelieve that, the said sheep and goat were not owned by the petitioner and they died due to the accidental injuries. Hence, a conclusion can be arrived that, the petitioner is owner of the sheep and goat which died due to the accident and also injured sheep.

40. Petitioner has not produced any medial bills to show cost of the treatment incurred while treating the sheep. No document is produced to show cost incurred for funeral expenses of the dead animals. The petitioner has not produced

any authenticated records to assess the value of the sheep and goat which died in the accident.

41. Animal Husbandry is the common means of livelihood and it is more so in a country like India.. Domesticated animals are an asset to the owner on which his entire financial activity is based. The untimely death of sheep and a goat has no doubt resulted in loss to the petitioner. The same is to be suitably compensated.

42. As per the charge sheet the worth of the sheep was Rs.10,000/- in the year 2022. Thus as on the date of accident, the market value of the sheep aged about 3 years during that time to be a minimum of Rs.10,000/- cannot be ruled out.

43. Since 2022 more than 4 years have gone by and price of all the commodities have gone high. The price of a sheep varies from breed to breed. A sheep may cost varying from Rs 8,000/- upto Rs 15,000/- depending upon the type of breed, built and weight. Taking judicial notice of the steep raise in price of all the commodities, I am of the view that a good sheep similar to the sheep and goat that died and injured due to

accident may at present cost at around Rs 12,000/-. Hence, I am of the considered opinion that a sum of Rs.12,000/- is just and reasonable compensation to this petitioner towards value of the deceased sheep and a goat.

44. In addition to this, this petitioner is also entitled to another sum of Rs.10,000/- towards transportation of dead body, funeral expenses and pain and shock caused due to sudden death of sheep and a goat. Thus value of 18 sheep and 1 goat would be Rs.2,28,000/-. (Rs.12,000 x 19) Hence, I am of the considered opinion that a sum of Rs.2,28,000/- is just and reasonable compensation to the petitioner towards value of the deceased sheep and a goat.

45. There are about 8 sheep that were injured. There are no bills produced to show medical expenses. Hence, nominally an amount of Rs.6,000/- can be awarded towards medical expenses of injured sheep. Thus for medical expenses an amount of Rs.48,000/- (Rs.6,000 x 8) is awarded.

46. In addition to this, this petitioner is also entitled to another sum of Rs.10,000/- towards transportation of dead body, funeral expenses and pain and shock caused due to sudden death of his sheep and a goat.

47. Thus, the petitioner is entitled for compensation as follows:-

01	Value of the deceased goat and sheep and a goat	Rs.2,28,000/-
02	Towards transportation of dead body, funeral expenses and pain and shock caused due to sudden death of domesticated animals.	Rs. 10,000/-
03	Medical expenses	Rs. 48,000/-
	Total:	Rs. 2,86,000/-

48. Thus the petitioner is entitled for a sum of Rs.2,86,000/- (Rs. Two lakh Eighty Six thousand only) as compensation.

49. Regarding interest: There is no unbridled power to award interest and there is a need to award interest consistently and uniformly. The Nationalised Banks are now granting interest at the rate of upto 7.10% p.a on

fixed deposits for one year. It is the view of the Honble Supreme Court that the interest payable should be normally linked to the rate of interest paid by Nationalised Banks on fixed deposits for one year, and it will be most appropriate to adopt the same, as the basis. Hence, I answer above issue in the affirmative accordingly.

50. Regarding fixation of liability is concerned this court has observed that respondent No.2 is the owner and respondent No.1 is the driver of offending bus. The Bus is K.K.R.T.C Bus. Hence, it is deemed that the driver had valid driving license and there was insurance also. Thus the owner of the offending vehicle and insurer jointly and severally liable to pay compensation to the petitioner. The respondent No.2 and 3 in their official capacity are liable to pay compensation. Hence, I answer issue no.6 in the affirmative accordingly.

51. **Issue No.3:-** In view of the guidelines issued by the Hon'ble High Court of Karnataka in circular no. 2/2019 dated 19.08.2019 in LCA I-120/2013, as per the guidelines are laid down to be followed in cases of accident as per the

judgment in MFA no. 2509/2019 (ECA) in the case of Smt Yamuna Channabasappa Shetty Vs K Raghukumar @ Raghu, the insurer is directed to credit the award amount to the bank account of the petitioner directly by NEFT or RTGS and inform the tribunal about the compliance made in this regard. The bank details of the petitioner are as follows:-

Name of the Bank:	Karnataka Gramina Bank (Pragathi Krishna Gramin Bank), Harapanahalli
Petitioner Name as per Bank pass book	YALLAPPA C s/o SANNABASAPPA
Account No.	10628101079964
IFSC Code	PKGB0010628
Pan Card No.	ASJPY6987H
Aadhaar No.	2553 2388 0033

52. In view of my findings on issue Nos.1 and 2, I proceed to pass the following:-

### **ORDER**

The petition is hereby partly allowed with costs of Rs. 1,000/-.

The petitioner is entitled for a sum of Rs.2,86,000/- (Rs. Two lakh Eighty Six thousand only) as compensation.

The petitioner is entitled interest @ 7.1 % p.a on the compensation from the date of petition till the realization thereof.

The respondent No.2 and 3 in their official capacity are jointly and severally liable to pay compensation to the petitioner.

The respondent No.2 and 3 shall deposit the compensation amount within 30 days as required U/sec., 168(3) of Motor vehicle Act, 1988.

Respondent No.3 shall deposit entire amount to the bank account of the petitioner directly by NEFT or RTGS mode.

Intimate the tribunal accordingly.

Advocate fee is fixed at Rs. 1,500/-.

Draw award accordingly.

(Directly computerized by me on the computer, revised, corrected signed by me then pronounced in the open court this the 07<sup>th</sup> day of March, 2026).

( Smt. Usharani R)  
Senior Civil Judge and VII Addl. MACT,  
Harapanahalli.

**ANNEXURE****LIST OF WITNESSES EXAMINED FOR PETITIONER:**

P.W.1:Sri.Chigari Yallappa s/o Sanna Balappa  
alias Bhodappa

P.W.2:Dr. Shivakumar Jyothi s/o  
Chandrashekharappa

**LIST OF DOCUMENTS EXHIBITED ON PETITIONER :**

- Ex.P.1 : Certified copy of FIR  
Ex.P.2 : Certified copy of complaint  
Ex.P.3 : Certified copy of charge sheet  
Ex.P.4 : Certified copy of Panchanama  
Ex.P.5 : Certified copy of photo  
Ex.P.6 : Certified copy of spot panchanama  
Ex.P.7 : Certified copy of photo  
Ex.P.8 : Certified copy of sketch  
Ex.P.9 : Certified copy of IMV report.  
Ex.P.10 to 28 : Certified copy of Post mortem report  
Ex.P.29 to 36 : Certified copy of wound certificate.

**LIST OF WITNESSES EXAMINED FOR RESPONDENTS:**

RW.1: Sri. Mahesh s/o Krishnappa

**LIST OF DOCUMENTS EXHIBITED BY THE RESPONDENTS:**

Ex.R.1 : Office order.

( Smt Usharani R),  
Senior Civil Judge and VII Addl.  
MACT, Harapanahalli.