



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 984 OF 2018 (MV-D)

C/W

MFA CROSS OBJECTION NO. 102 OF 2018 (MV-D)

IN MFA No. 984/2018

BETWEEN:

DIVISIONAL CONTROLLER,
KSRTC, MYSURU RURAL DIVISION,
BANNIMANTAP, MYSURU - 15.
(OWNER- M.D., KSRTC, BENGALURU)
OWNER AND INSURED OF VEHICLE BEARING
NO. KA-09-F-4600 BANNIMANTAP DEPOT)

...APPELLANT

(BY SRI. JAGADEESH G.S., ADVOCATE)

AND:

1. SMT. LAXMI,
W/O. LATE RAGHU @ JAGA,
AGED ABOUT 30 YEARS,
2. MASTER. CHINMAY,
S/O. LATE RAGHU @ JAGA,
AGED ABOUT 11 YEARS,
SINCE THE RESPONDENT NO.2 IS MINOR,
REPRESENTED BY HIS MOTHER AND
NATURAL GUARDIAN SMT. LAXMI
(RESPONDENT NO.1 HEREIN)
3. SMT. VIJAYA,
W/O. LATE LOKESH,
AGED ABOUT 47 YEARS,





4. KUM. PRATHIBA,
D/O. LATE LOKESH,
AGED ABOUT 21 YEARS,

ALL ARE R/AT.
NO. 422, HUNDIBEEDI,
HINKAL, MYSURU - 17.

...RESPONDENTS

(BY MS. SUMA KEDILAYA, ADVOCATE FOR
SRI. V PADMANABHA KEDILAYA, ADVOCATE FOR R1
VIDE ORDER DATED 26.11.2025 NOTICE TO R3
AND R4 IS HELD SUFFICIENT)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:03.04.2017
PASSED IN MVC NO.143/2016 ON THE FILE OF THE JUDGE,
PRINCIPAL COURT OF SMALL CAUSES & MACT, MYSURU,
AWARDING COMPENSATION OF RS.16,10,400/- WITH
INTEREST AT 6% P.A. FROM THE DATE OF PETITION TILL THE
DATE OF REALIZATION.

IN MFA.CROB NO. 102/2018

BETWEEN:

1. SMT. LAXMI,
W/O LATE RAGHU @ JAGU,
R/AT NO.42, HUNDIBEEDI,
HINKAL, MYSURU DISTRICT - 17.
2. MASTER. CHINMAYI SURESH,
S/O LATE RAGHU @ JAGU,
AGED ABOUT 11 YEARS,
SINCE CROSS OBJECTOR NO.2 IS MINOR
HE IS REP BY HIS NATURAL GUARDIAN
MOTHER 1ST CROSS OBJECTOR.

BOTH ARE RESIDING AT:NO.42,
HUNDIBEEDI, HINKAL, MYSURU DISTRICT - 17.

...CROSS OBJECTORS

(BY MS. SUMA KEDILAYA, ADVOCATE FOR
SRI. PADMANABHA KEDILAYA V.,ADVOCATE)



NC: 2026:KHC:22732-DB
MFA No. 984 of 2018
C/W MFA.CROB No. 102 of 2018

AND:

1. DIVISIONAL CONTROLLER,
KSRTC, MYSURU RURAL DIVISION,
BANNIMANTAP, MYSURU - 15.
2. SMT. VIJAYA,
W/O LATE LOKESH,
AGED ABOUT 47 YEARS,
3. PRATHIBA,
D/O LATE LOKESH,
AGED ABOUT 21 YEARS,

BOTH THE RESPONDENTS
ARE R/AT NO.422,
HUNDIBEEDI, HINKAL,
MYSURU DISTRICT - 17.

...RESPONDENTS

(BY SRI. JAGADEESH G S., ADVOCATE FOR R1,
VIDE ORDER DATED 26.11.2025 NOTICE TO R2
AND R3 IS HELD SUFFICIENT)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22
OF CPC, AGAINST THE JUDGMENT AND AWARD
DATED:03.04.2017 PASSED IN MVC NO.143/2016 ON THE
FILE OF THE JUDGE, PRINCIPAL SMALL CAUSES & MACT,
MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL AND CROSS OBJECTION ARE COMING ON
FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The appeal being MFA No.984/2018 by the Corporation and MFA Crob.102/2018 by the Claimants are against the Judgment and Award dated 03.04.2015 in M.V.C No.143/2016 passed by the Prl. Small Causes & M.A.CT, Mysuru¹.

2. The Corporation is in appeal on the ground for enhancement of contributory negligence and the claimants are in appeal on the contributory negligence fastened on the deceased as well as enhancement of compensation.

3. The parties are referred to as per their rankings before the Tribunal.

4. The date of accident, involvement of vehicle, death of Mr.Raghu @ Jaga and payment of compensation are not in dispute. The only dispute is with respect to the

¹ for short, 'the Tribunal'



ratio in fastening the contributory negligence on the deceased and quantum.

5. Facts germane to file the present appeal and cross-objection are as under:

In an accident occurred on 12.12.2015 at about 12:00 noon, Mr.Raghu @ Jaga, while he was crossing the B.M Road, near RTO Office, Hunsur Town from RTO Office side towards Housing Board Colony side, a KSRTC Bus bearing No.KA-09 F-4600 driven by its driver in a rash and negligent manner endangering human life and property, came and dashed against Mr.Raghu @ Jaga, due to impact decreased fell on the road and suffered injuries and met with an instantaneous death on the spot. The deceased was working under a Caterer Contractor as Tea supplier with the Southern Railway Stations and earning Rs.15,000/- per month. The claimants for the untimely death of Raghu @ Jaga were before the Tribunal seeking compensation of Rs.27,50,000/- with interest @ 12% per annum.



6. Upon notice, the Corporation appeared through its counsel and apart from denying the averments in the claim petition, taken a specific contention that it is the deceased who without observing the traffic rules in an abrupt manner, tried to cross the Highway and came in contact with the bus. In that view of the matter, the entire negligence was on the part of the deceased and accordingly, sought to dismiss the claim petition.

7. The Tribunal after completion of pleadings, framed in all three issues. Issue No.1 is on negligence on the part of the driver of the bus. The Tribunal while answering the said issue has come to a conclusion on the principle of the *res-ipso-loquitur*, on the basis of the spot sketch, which indicates that the accident occurred in the middle of the road while the deceased attempted to cross the road came in contact with the hind side of the bus, though no substantive evidence has been produced by the Corporation regarding the negligence on the part of the deceased, but for the police records and on the basis of



the principle stated supra, the Tribunal has fastened contributory negligence in the ratio of 20:80 i.e., 20% on the deceased and 80% on the driver of the bus and considered the income at Rs.8,000/- per month, awarded a total compensation of Rs.20,13,000/- with 6% interest per annum from the date of petition till realization. It is this judgment and award passed by the Tribunal is called in question by the Corporation and the Claimants.

8. Heard, Sri.Jagadeesh.G.S, learned counsel appearing for the Corporation and Smt.Suma Kedilaya, learned counsel appearing for Sri.Padmanabha Kedilaya, for the claimants.

9. Sri.Jagadeesh.G.S, strenuously argued before us that the Tribunal having found that the deceased is responsible for the accident who in an attempt to cross the road, came in contact with the hind side of the bus, ought to have fastened contributory negligence in reverse ratio i.e., 80% on the deceased and 20% on the bus and sought to allow the appeal on that ground.



10. Smt.Suma Kedilaya, with all vehemence submits that the Tribunal though at Paragraph No.12 of the Judgment has stated that none of the witnesses except the Driver entered into witness box on behalf of the Corporation to substantiate their ground, of contributory negligence on the part of the deceased, the Tribunal having considered the spot sketch on its own fastened the contributory negligence of 20% on the deceased, which is unsustainable in law in the absence of any substantive material by the Corporation. In that view of the matter, sought to set-aside the contributory negligence fastened on the deceased. So far as quantum is concerned, learned counsel submits that the accident is of the year 2015, the deceased was working as Tea Supplier and was earning Rs.15,000/- per month, the Tribunal has failed to consider this aspect of the matter and has considered the income at Rs.8,000/- per month. She also argued that the compensation awarded by the Tribunal under the head loss of dependency requires reconsideration, so also 10% escalation on the conventional head has not been awarded



in view of the law laid down by the Supreme Court in ***NATIONAL INSURANCE CO. LTD., VS. PRANAY SETHI***² and sought to allow the appeal.

11. Having considered the rival submissions, we have perused the entire appeal paper so also cross-objection paper and the Trial Court record.

12. As per the Judgment of the Tribunal, especially Paragraph No.12, the Corporation except examining its driver not examined any other independent witness to substantiate the claim of negligence on the part of the deceased. Even as per the evidence of driver, the deceased in an attempt to cross the road in an abrupt manner, came in contact with the hind side of the bus. However, the Tribunal considering the spot sketch which clearly depicts that the road being a double road bifurcated by a divider and the accident has occurred on the middle portion of the left side portion of the road, in that view of the matter, the Tribunal has considered the

² 2017 (16) SCC 680



case in its entirety and fastened 20% of contributory negligence on the deceased. We having gone through the spot sketch as well as spot mahazar are of the considered opinion that the Tribunal has rightly considered the contributory negligence on the part of the deceased on the principle of *res-ipso-loquitor*, we find no force either in the argument of learned counsel for the Corporation as well as learned counsel for the claimants either to enhance or to set-aside the contributory negligence, as such, we propose to maintain the contributory negligence fastened by the Tribunal. In that view of the matter, the appeal filed by the Corporation is ***dismissed***.

13. So far as enhancement is concerned, admittedly the accident had occurred in the year 2015. As per the chart prepared by the Karnataka State Legal Services Authority for settlement of disputes before the Lok-Adalat, the income for the year 2015 is Rs.9,000/- per month. Though the claimants have taken a contention that the deceased was earning Rs.15,000/- per month, however



they neither produced any documentary evidence nor led any oral evidence to that effect to substantiate their contention. In that view of the matter we are considering the income under the chart which is Rs.9,000/- per month.

14. Though learned counsel for the Corporation takes a contention that the Tribunal ought to have considered the deduction towards personal expenses at $1/3^{\text{rd}}$ instead of $1/4^{\text{th}}$ on the ground that Claimant No.4 is the sister of the deceased, we decline to accept the contention of learned counsel for the Corporation reason being the father of the deceased pre-deceased him and the sister was 19 years who was under the care and custody of the deceased and depending on him. In the absence of any material to the contrary by the Corporation, the deduction of $1/4^{\text{th}}$ for personal expenses by the Tribunal is maintained.

15. As rightly contended by learned counsel for the claimants, the claimants are entitled for 10% escalation on compensation awarded under conventional heads. In these



circumstances, the compensation awarded by the Tribunal requires reconsideration and reassessment. Accordingly, we proceed to reassess the compensation, which is as follows:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	17,28,000-00	18,14,400-00 (9,000+40% $\times$ 12 $\times$ 16 $\times$ 3/4)
2.	Loss of Consortium	70,000-00	1,60,000-00 (40,000 $\times$ 4)
3.	Love and affection	1,10,000-00	-
4.	Loss of Estate	30,000-00	15,000-00
5.	Funeral expenses	25,000-00	15,000-00
6.	Loss of life expectancy	50,000-00	-
7.	10% escalation (for two terms of three completed years on conventional heads, since 2017)	-	38,000-00
	TOTAL	20,13,000-00	20,42,400-00

16. Accordingly, the claimants are entitled for reassessed compensation of Rs.20,42,400/- rounded off at **Rs.20,43,000/-** as against Rs.20,13,000/- with interest @ 6% per annum from the date of petition till realization. The Corporation shall deposit 80% of the re-determined compensation along with accrued interest. Accordingly, we proceed to pass the following:



ORDER

- (i) MFA No.984/2018 is ***dismissed***.
- (ii) The amount in deposit if any, in the Corporation's appeal shall be transmitted to the concerned Tribunal forthwith.
- (iii) MFA Crob No.102/2018 is ***allowed in part***.
- (iv) The Judgment and Award dated 03.04.2015 in M.V.C No.143/2016 passed by the Prl. Small Causes & M.A.CT, Mysuru is modified and the compensation is reassessed.
- (v) The Claimants are entitled for reassessed compensation of **Rs.20,43,000/-** with interest @ 6% per annum from the date of petition till realization.
- (vi) The Corporation shall deposit balance 80% of the re-determined compensation along with accrued interest supra before the Tribunal within six weeks from the date of receipt of certified copy of this order.



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- (vii) The apportionment and disbursement is unaltered.
- (viii) The Trial Court Record secured, shall be transmitted forthwith to the concerned Tribunal.
- (ix) No order as to costs.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 12