NC: 2026:KHC:21674-DB
MFA No. 811 of 2023

HC-KAR

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21ST DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**MISCELLANEOUS FIRST APPEAL No. 811 OF 2023 (MV-D)**

**BETWEEN:**

THE MANAGING DIRECTOR
K.S.R.T.C. DIVISION
SHANTHI NAGAR, K.H. ROAD
BANGALORE - 560 027.

...APPELLANT

(BY MS. SONALI, ADVOCATE FOR
SRI. D. VIJAYKUMAR, ADVOCATE)

**AND:**



1. SRI VASUDEVAMURTHY H R
S/O LATE RAMAMURTHY H S
AGED ABOUT 57 YEARS,

2. MISS. ANUSHA V.
D/O VASUDEVAMURTHY H R
AGED ABOUT 25 YEARS,

3. SRI NAGARAJ H S
S/O LATE SHESHAGIRI RAO
AGED ABOUT 86 YEARS,

ALL ARE PRESENTLY R/AT:
NO.14, 5TH CROSS
PAWAMANPURA LAYOUT

LINGADHEERENAHALLI
BANASHANKARI 6$^{TH}$ STAGE
NEAR RAGHAVENDRASWAMY MUTT
THALAGHATAPURA
BANGALORE - 560 109.

…RESPONDENTS

(BY SRI. GOPAL KRISHNA N., ADVOCATE FOR R1 TO R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.11.2022 PASSED IN MVC NO.4167/2020 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACMM, MEMBER, MACT-3, BENGALURU, AWARDING COMPENSATION OF RS.75,62,808/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL DATE OF DEPOSIT.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

## ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Ms. Sonali, learned counsel for Sri D. Vijayakumar, learned counsel for the appellant and Sri N. Gopal Krishna, learned counsel for respondent Nos.1 to 3.

2. The Karnataka State Road Transport Corporation is in appeal, disputing the finding on negligence as well as the quantum of compensation awarded in MVC No.4167/2020, by judgment and award dated 09.11.2022 passed by the VII Addl.

SCJ and ACMM, Member, MACT-3, Bengaluru (for short, 'the Tribunal').

3. The respondents (claimants) filed a claim petition seeking compensation for the death of H.N. Veena (deceased) in a road traffic accident that occurred on 24.10.2020 at about 12:45 p.m., involving a two-wheeler bearing Reg.No.KA-02-HG-5380 and a KSRTC bus bearing Reg.No.KA-11-F-0323. It is pleaded that the accident occurred due to the rash and negligent driving of the driver of the bus. It is further pleaded that the respondents incurred expenses of Rs.1,00,000/- towards funeral and other incidental expenses. It is also pleaded that the deceased was working as a Trained Graduate Teacher and was drawing a salary of Rs.57,023/- per month.

3.1 After service of notice, the appellant–Corporation entered appearance and filed its statement of objection disputing the averments made in the claim petition. It is contended that the accident occurred due to the negligence of the rider of the motorcycle, namely, the deceased.

3.2 Claimant No.1 examined himself as PW.1 and examined another witness as PW.2, and marked Exs.P1 to P22. On behalf of the Corporation, one witness was examined as RW.1 and Ex.R.1 was marked.

3.3 The Tribunal, holding that the accident occurred due to the rash and negligent driving by the driver of the bus, awarded a total compensation of Rs.75,62,808/-. While computing the compensation, the Tribunal assessed the monthly income of the deceased at Rs.57,023/-, deducted one-third towards personal and living expenses, added 25% towards future prospects, considered the age of the deceased as 48 years, and applied the multiplier of 13.

4. Ms. Sonali, learned counsel appearing for Sri D. Vijayakumar, learned counsel for the appellant, submits that the accident occurred solely due to the negligence of the deceased. It is contended that the spot sketch is fabricated. It is further submitted that the rider of the scooter dashed against the Corporation bus from behind and that the bus did not hit the two-wheeler. It is also submitted that while trying to avoid a pothole, the rider of the motorcycle dashed against the front

left side body of the bus and, as a result, fell under the rear wheel of the bus.

4.1 It is further contended that the compensation awarded by the Tribunal is on the higher side. It is submitted that the Tribunal has failed to deduct Income Tax and Professional Tax while computing the income of the deceased. It is also contended that the claimants were not dependent on the deceased.

5. Sri N. Gopal Krishna, learned counsel appearing for respondent Nos.1 to 3, submits that the accident occurred solely due to the negligence of the driver of the bus. Learned counsel further submits that the evidence on record, including the spot sketch, clearly establishes the negligence of the driver of the bus in causing the accident. It is contended that the income assessed by the Tribunal is based on cogent and proved evidence and, therefore, does not warrant interference.

6. We have considered the submissions made by learned counsel for the appellant and respondents and perused the records.

7. The occurrence of the accident, involvement of the vehicles, age of the deceased, the applicable multiplier, the deduction made towards personal and living expenses, and the percentage added towards future prospects are not in dispute. The present appeal is confined to the question of negligence and the assessment of income.

7.1 Firstly, we shall deal with the issue of negligence. The Tribunal, on the basis of the charge sheet filed against the driver of the bus and the spot sketch marked as Ex.P4, has held that the accident occurred due to the rash and negligent driving of the driver of the bus.

7.2 A perusal of Ex.P4, the Crime Details Form along with the spot sketch, indicates that the place of accident is a double road having a width of 30 feet. At the place of accident, an exit towards the left is provided. As per the sketch, the two-wheeler was proceeding on the extreme left side of the road, whereas the bus was moving on the right side. At the point of impact, the bus appears to have entered the left lane, evidently to take the exit. The documents on record indicate that the left rear wheels of the bus ran over the deceased. The said circumstance corroborates the version depicted in the spot sketch. Though it is contended that the spot sketch is fabricated, the same has not been challenged in accordance with law. Moreover, on the basis of the said sketch and other material on record, the charge sheet has been filed against the driver of the bus.

7.3 Having regard to the evidence on record and the findings recorded by the Tribunal, we find no error or infirmity warranting interference with the order of the Tribunal insofar as the finding on negligence is concerned.

7.4 The second issue pertains to the assessment of income. The Tribunal assessed the monthly income of the deceased at Rs.57,023/- based on the documents marked as Exs.P19 to P22. Ex.P22, the pay slip for the month of September 2020, indicates the gross salary as Rs.57,023/-. Ex.P22, being the pay slip issued by the Government of Karnataka, Department of Secondary Education, is the best piece of evidence available for assessing the monthly income of the deceased. Therefore, we find justification in the Tribunal adopting Rs.57,023/- as the basis for computing compensation.

7.5 However, the Tribunal has committed an error in not deducting Professional Tax and Income Tax. The annual gross salary works out to Rs.57,023/- × 12 = Rs.6,84,276/-. Income Tax of Rs.30,927/- and Professional Tax of Rs.2,400/- are liable to be deducted. After deducting the said amounts, the net annual income would be Rs.6,53,349/-, i.e., Rs.54,445/- p.m.

7.6 Since the appellant–Corporation is not disputing the age of the deceased, the applicable multiplier, the percentage of addition towards future prospects, the percentage of deduction towards personal and living expenses, and the compensation awarded under conventional heads, the same are maintained. In view of judgment in the case of ***National Insurance Company Limited vs. Pranay Sethi and others [2017 (16) SCC 680],*** 10% is to be added to the compensation under the heads, loss of estate, funeral expenses and consortium.

7.7 Accordingly, the total compensation is recomputed as under:

54,445 + (25% of 54,445) = Rs.68,056/-
68,056 – (1/3$^{rd}$ of 68,056) = Rs.45,371/-
45,371 X 12 X 13 = Rs.70,77,876/-

| Sl. No. | Particulars | Compensation by the Tribunal in Rs. | Compensation by this Court in Rs. |
|---|---|---|---|
| 1. | Loss of Dependency | 74,12,808/- | **70,77,876/-** |
| 2. | Loss of Estate | 15,000/- (+ 10%) | **16,500/-** |
| 3. | Towards Spousal Consortium | 40,000/- (+ 10%) | **44,000/-** |
| 4. | Towards Parental and Filial Consortium | 80,000/- (+ 10%) | **88,000/-** |
| 5. | Funeral Expenses | 15,000/- (+ 10%) | **16,500/-** |
| **Total** | | 75,62,808/- | **72,42,876/-** |
| **Reduced Compensation** | | **3,19,932/-** | |

The respondent-claimants are entitled to a compensation of Rs.72,42,876/- against Rs.75,62,808/- as awarded by the Tribunal.

8. In light of the above, the following;

**<u>Order</u>**

(i) The appeal is ***allowed in-part***.

(ii) The judgment and award dated 09.11.2022 passed in MVC No.4167/2020 by the VII Addl. SCJ and ACMM, Member, MACT-3, Bengaluru, is modified.

(iii) The appellant-Corporation shall deposit the compensation, if any, within ***six weeks*** from the date of uploading the copy of this order in the website of this Court.

(iv) The respondent-claimants are entitled to a compensation of Rs.72,42,876/- as against Rs.75,62,808/- awarded by the Tribunal.

(v) The conditions imposed by the Tribunal with regard interest, deposit, apportionment and disbursement of the amount, are maintained.

(vi) The Registry is directed to transfer the amount in deposit, if any, to the Tribunal, forthwith.

(vii) Draw modified decree accordingly.

(viii) No order as to costs.

**Sd/-**
**(S.G.PANDIT)**
**JUDGE**

**Sd/-**
**(K. V. ARAVIND)**
**JUDGE**

MV
List No.: 1 Sl No.: 8