IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

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

AND

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

M.F.A. NO.746/2024 (MV-D)
C/W
M.F.A. NO.4776/2025 (MV-D) AND
M.F.A. NO.8983/2025 (MV-D)

IN MFA NO. 746/2024

BETWEEN:

THE MANAGER, BMTC
SHANTI NAGARA DOUBLE ROAD
BENGALURU-560027
REP. BY ITS CHIEF LAW OFFICER.

...APPELLANT

(BY SRI. D VIJAYAKUMAR, ADV.)

AND:

1. SMT. RESHMA M
   D/O BHANU
   W/O LATE MANJUNATH L
   AGED ABOUT 25 YEARS

2. MASTER SAMARTH M
   S/O LATE MANJUNATH L
   AGED ABOUT 3 YEARS

   SINCE THE RESPONDENT NO.2 IS MINOR
   REP. BY HIS MOTHER AND
   NATURAL GUARDIAN RESPONDENT NO.1
   SMT. RESHMA M

RESPONDENT NO.1 & 2 ARE
R/AT NO.18, 14TH CROSS
AGRAHARA DASARAHALLI
BASAVESHWARANAGARA
BANGALORE-560079.

3. SMT. H YOSHODA
C/O LATE MANJUNATH L
AGED ABOUT 20 YEARS
R/AT NO.43, MAGADI MAIN ROAD
YELLAMMA TEMPLE ROAD
CHIKKAGOLLARAHATTI
BANGALORE-562123.

4. SMT. MUNILAKSHMAMMA
W/O LAKSHMIAH
AGED ABOUT 48 YEARS

5. SRI LAKSHMAIAH
S/O LATE DURGAIAH
AGED ABOUT 61 YEARS

RESPONDENT NO.4 & 5 ARE
R/AT NO.878, SENT MERASA ROAD
CHIKKAGOLLARAHATTI
LAKSHMIPURA
BENGALURU-562123.

…RESPONDENTS

(BY SRI. H.T. JAGADEESH, ADV. FOR R1 TO R5
R2 IS MINOR REP. BY R1)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 04.11.2023 PASSED IN MVC NO.848/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU SCCH-7 AWARDING COMPENSATION OF RS.35,10,100/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL DATE OF DEPOSIT.

IN MFA NO. 4776/2025

BETWEEN:

1. THE MANAGER, BMTC
BMTC,
SHANTHI NAGARA,
DOUBLE ROAD,
BANGALORE-560 027.
REP. BY ITS MANAGING DIRECTOR.

...APPELLANT

(BY SRI. D VIJAYA KUMAR, ADV.)

AND:

1. SMT. NAGARATHNAMMA
DEAD BY LRS IS R2 & R3
(COURT ORDER DATED 27.10.2025)

2. SMT. CHANDRAKALA
W/O LATE CHIKANNA
S/O LATE MANJUNATH L
AGED ABOUT 36 YEARS,

3. SRI JAYASIMHA K
S/O KRISHNAPPA N
MAJOR

RESPONDENT NO.1 TO 3 ARE
R/AT NO.873,
MAGADI MAIN ROAD
INDIRA COLONY,
CHIKKAGOLLARAHATTI,
LAKSHMIPURA,
BANGALORE-562 123.

4. SMT. SHARADAMMA
MAJOR,
R/AT. NO.11,
JASMA MANDAR CHOWDARY,
OPP. BDA COMPLEX,
AUESTION TOWN,
BANGALORE-560 047.

5. THE MANAGER
TATA AIG GENERAL INSURANCE
COMPANY LTD.,
OFFICE, AT NO.69, 2ND FLOOR,
JP AND DEVI JAMBUKESHWARA ARCADE,
MILLERS ROAD,
BANGALORE-560 068.

...RESPONDENTS

(BY SRI. H.T. JAGADEESH, ADV. FOR R2 & R3
V/O DATED 27.10.2025, NOTICE TO R4 IS D/W
SRI H.S. LINGARAJU, ADV. FOR R5)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.04.2025 PASSED IN MVC NO.849/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), AWARDING COMPENSATION OF RS.23,16,300/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO. 8983/2025

BETWEEN:

1. SMT CHANDRAKALA
W/O LATE CHIKKANNA,
S/O LATE MANJUNATH L,
AGED ABOUT 36 YEARS,

2. SMT, JAYASIMHA K
S/O KRISHNAPPA N.
AGED ABOUT 32 YEARS,
R/AT NO.873,
MAGADI MAIN ROAD,
INDIRA COLONY,
CHIKKAGOLLARAHATTI,
BANGALORE-562123.

...APPELLANTS

(BY SRI. JAGADEESH H. T., ADV.)

AND:

1. THE MANAGER
BENGALURU METROPOLITAN
TRANSPORT CORPORATION, (BMTC).
SARIGE BHAVANA, K.H. ROAD,
SHANTHINAGAR,
BENGALURU-27.

2. SMT, SHARADHAMMA
NO.11, JASMA MANDAR CHOWDARY,
OPP: BDA COMPLEX,
AUESTION TOWN,
BANGALORE-47.

3. THE MANAGER
TATA AIG GENERAL INSURANCE CO. LTD.,
OFFICE AT NO.69, 2^{ND} FLOOR,
JP AND DEVI JAMBUKESHWARA ARCADE,
MILLERS ROAD, BANGALORE-68.

...RESPONDENTS

(BY SRI.D VIJAYAKUMAR, ADV. FOR R1
NOTICE TO R2 IS D/W
SRI H.S. LINGARAJU, ADV. FOR R3)

THIS APPEAL IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 09.04.2025 PASSED IN MVC NO. 849/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES MEMBER, MACT-7, BENGALURU SCCH-7 PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS, COMING ON FOR ORDERS, 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 S.G.PANDIT)

The above three appeals arise out of the same accident in MVC.No.848/2023 as well as MVC.No.849/2023 on the file of IX ASCJ, Small Causes and Additional MACT, Bengaluru (SCCH-7) (for short, 'the Tribunal') wherein the claim petitions are allowed and the entire liability is saddled on the BMTC/appellant in the above two appeals.

2. MFANo.746/2024 and MFA.No.4776/2025 are by the BMTC i.e., respondent before the Tribunal questioning the saddling of entire liability, whereas MFA.No.8983/2025 is by claimants seeking enhancement of compensation in MVC.No.849/2023.

3. Brief facts of the case are that, the claimants in both the MVCs filed application under Section 166 of the Motor Vehicles Act, 1989 claiming compensation for the accidental death of rider, Manjunath as well as pillion rider Shivraju in a road traffic accident that occurred on

29.11.2022, involving a motorcycle bearing registration No.KA-05-LG-4416 and BMTC bus bearing registration No.KA-57-F-995. It is stated that the deceased rider of the motorcycle Manjunath was aged about 27 years and was doing solar fitting work, earning a sum of ☐.20,000/- per month. It is stated that, the claimants were totally dependent on the income of the deceased.

4. The pillion rider, Sivaraju was aged 28 years and he was also doing solar fitting work and was earning a sum of ☐.20,000/- per month. The claimants being the mother, sister and elder brother of the deceased stated that they were totally dependent on the income of the deceased Shivaraju.

5. On appearance, the BMTC as well as the Insurance company filed their objections to the claim petition, denying the entire claim petition averments. Further, the BMTC stated that the driver of the bus was cautiously driving the bus on the left side of the road and

was proceeding from Bengaluru to Magadi. It is stated that the motorcycle came from behind and the rider of the motorcycle drove the same in a rash and negligent manner, without wearing helmet and tried to overtake the bus and went to the extreme right and due to over speed, the rider of the motorcycle lost control over the two wheeler and dashed to the road divider. Due to the said impact, both of them were thrown out of motorcycle and fell down on the left side of the road and both of them came under the right side back wheel of the bus. Thus, it is submitted that the accident occurred solely because of the negligence of rider of the motorcycle. Thus, it was prayed for dismissal of the claim petitions.

6. Before the Tribunal, one of the claimants i.e., wife of the deceased in MVC.No.848/2023 examined as PW1 apart from marking Ex.P1 to Ex.P12, whereas BMTC examined driver of the bus as RW1 and marked Ex.R1-complaint of the driver of BMTC bus. In MVC No. 849/2023, the sister of the deceased examined herself as

PW1 apart from marking Ex.P1 to Ex.P11, whereas the respondents examined RW1 and RW2 and marked RW1 document.

7. The Tribunal based on evaluating material on record awarded total compensation of ☐35,10,100/- in MVC.No.848/2023 on the following heads and saddled the entire liability on BMTC:

Sl.No.	Heads	Amount	
1.	Towards loss of dependency	Rs.	33,20,100/-
2.	Towards consortium	Rs.	1,60,000/-
3.	Towards Loss of estate	Rs.	15,000/-
4.	Towards funeral expenses	Rs.	15,000/-
	TOTAL	**Rs.**	**35,10,100/-**

Whereas in MVC.No.849/2023, the Tribunal based on evaluating the material on record, awarded total compensation of ☐.23,16,300/- on the following heads and saddled the entire liability on the BMTC:

Sl.No.	Compensation under different heads	Amount in (Rs)	
1.	Loss of dependency	Rs.	21,06,300/-
2.	Funeral expenses	Rs.	15,000/-
3.	Loss of estate	Rs.	15,000/-
4.	Loss of filial consortium	Rs.	80,000/-
5.	Loss of love and affection	Rs.	1,00,000/-
	TOTAL	**Rs.**	**23,16,300/-**

8. Questioning the saddling of entire liability on the BMTC, the BMTC is before this Court in the above stated two appeals, whereas the claimants in MVC.No.849/2023 are before this Court seeking enhancement of compensation, not being satisfied with the quantum of compensation awarded by the Tribunal.

9. Heard learned counsel Sri.D.Vijayakumar for BMTC, learned counsel Sri.H.T.Jagdish for claimants in both the MFAs as well as learned counsel Sri.H.S.Lingaraj for insurer of the two wheeler. Perused the entire appeal papers including the Trial Court records.

10. Learned counsel Sri.D.Vijayakumar would submit that the Tribunal committed grave error in saddling entire liability on the appellant/BMTC without examining the contributory negligence on the part of the rider of the motorcycle. Learned counsel would submit that the complaint was lodged by one Sri.Ravikumar, who is the brother of the deceased Manjunath. However, he has not

been examined before the Tribunal. It is submitted that no eye witness is examined to prove the accident and to prove that the BMTC bus has dashed the two wheeler. On the other hand, learned counsel Sri.D.Vijayakumar would contend that rider of the two wheeler tried to overtake the BMTC bus and in that process dashed to the divider and fell to the left side of the road and came under the back side wheel of the BMTC bus. Thus, he submits that there was no negligence on the part of the driver of the BMTC bus to saddle entire liability. Further, learned counsel would submit that in the cross-examination, PW1 has stated nothing with regard to accident and as such the entire liability could not have been fastened on the BMTC.

11. With regard to quantum of compensation awarded in MVC.No.849/2023, learned counsel would submit that the claimants are the mother, sister and elder brother of the deceased Shivraju. However, he submits that during the pendency of the claim petition before the Tribunal, mother died and as such, the claimants - sister

and brother would not be entitled for compensation on the head of loss of dependency. Thus, he would pray for reducing the quantum of compensation awarded by the Tribunal.

12. Per contra, learned counsel Sri.H.T.Jagadeesh for claimants would submit that the accident occurred solely due to the rash and negligent driving of the driver of the BMTC i.e., RW1. It is submitted that, when the rider of the motorcycle along with the pillion rider was taking U-turn at Nice road junction, the bus came from behind and dashed the motorcycle, which resulted in throwing the rider and pillion rider of the motorcycle on the road. Resultantly, both of them came under the wheels of the BMTC bus. Learned counsel would further submit that the charge sheet is filed against the driver of the BMTC bus and he would invite attention of this Court to the sketch at Ex.P4 as well as Ex.P5-Motor Vehicle Accident Report to say that the front right side bumper of the bus was damaged, whereas the rear side of the Motorcycle

including silencer was scratched and damaged, which would clearly establish that the BMTC has dashed the motorcycle from behind. Thus, learned counsel would submit that the Tribunal on examination of entire material on record rightly saddled entirely liability on the BMTC.

13. With regard to quantum of compensation awarded by the Tribunal in both the MVC's, learned counsel for the claimants would submit that the compensation awarded in MVC.No.848/2023 is just and reasonable and the claimants have not filed any appeal seeking enhancement of compensation. However, it is submitted that in MVC.No.849/2023, learned counsel would submit that the income assessed by the Tribunal is on the lower side. It is submitted that, taking note of the chart prepared by the Karnataka State Legal Services Authority, the Tribunal ought to have assessed the income of the deceased at ☐.15,000/- per month. Thus, he would pray for enhancement of compensation in MVC.No.849/2023.

14. Having heard the learned counsel appearing for the parties and on perusal of the entire appeal papers including the Trial Court records, the following points would fall for our consideration?

a) Whether the Tribunal is justified in saddling the entire liability on the BMTC?

b) Whether the claimants in MVC.No.849/2023 are entitled for enhancement of compensation?

15. The answer to the above points would be in the negative for the following reasons:

The accident that took place on 29.11.2022 involving motorcycle bearing registration No.KA-05-LG-4416 and BMTC bus bearing registration No.KA-57-F-995 and the accidental death of rider and pillion rider Manjunath as well as Shivaraju is not in dispute in these appeals. The BMTC is in appeal questioning the saddling of entire liability on it and the claimants in MVC.No.849/2023 are before this Court seeking enhancement of compensation, not being satisfied with the quantum of compensation awarded by the Tribunal.

16. Learned counsel for the appellant/BMTC contended that the accident had taken place solely due to the negligence of the rider of the motorcycle and there was no negligence on the part of the driver of the BMTC – RW1. To appreciate the above contention, we have gone through Ex.P1 – FIR, Ex.P3 – Spot Mahazar, Ex.P4 – spot sketch and Ex.P5 – IMV report submitted by the Senior Inspector of Motorcycle as well as Ex.P8 – charge sheet.

17. The complaint by brother of the deceased Manjunath would indicate that when the rider of the motorcycle along with deceased pillion rider stopped to take U-turn at nice road junction, BMTC bus came from behind in a rash and negligent manner and dashed the two wheeler. As a result, both of them fell on the left side of the road and came under the BMTC bus. It is an admitted fact that, charge sheet is filed against the driver of the

bus. The charge sheet is produced and marked as Ex.P8. Ex.P5-Motor Vehicle Accident Report submitted by Senior Inspector of Motor Vehicles in respect of two wheeler and the bus reads as follows:

> "***5. Mechanical condition of the vehicle:-***
>
> ***1) KA05LG4416:- (Two wheeler)***
>
> *A) Front wheel fender scratched.*
>
> *B) Front left side shape of the body damaged.*
>
> *C) Front left side head light mask damaged.*
>
> *D) Rear left side body scratched.*
>
> *E) Rear silencer guard scratched.*
>
> ***2) KA57F0995:- (Bus)***
>
> *A) Front right side bumper damaged."*

18. The above report would clearly indicate damage to the front side bumper of the bus and damage or scratch to the hind side of the motorcycle, which would clearly establish that the BMTC bus dashed the motorcycle from hind side i.e., right side bumper of the bus dashed to the two wheeler. The sketch would indicate that, it was double road and one side road width was 24 feet and the accident had taken place on the left side of the road, which would

establish that the rider of the two wheeler to take U-turn was standing on the left side and BMTC bus dashed the motorcycle from rear side of the motorcycle. The Tribunal in the above circumstances and consequences, after examining the entire material on record has rightly come the conclusion that the accident had taken place solely due to the negligence of the driver of the BMTC bus and rightly saddled the entire liability on the driver of the BMTC. Thus, the contention of the learned counsel for the appellant/BMTC that the Tribunal failed to examine the contributory negligence fails and the same stands rejected.

19. With regard to the appeal filed by the Corporation challenging the judgment in MVC.No.848/2023, we do not find any infirmities insofar as quantum is concerned. The Tribunal has rightly assessed the income of the deceased notionally at Rs.15,500/- p.m., adopted the correct multiplier of 17, rightly deducted 1/4th towards personal and living

expenses and the compensation awarded under the conventional heads are just and proper. Thus, we do not find any reasons to interfere with the judgment of the Tribunal in MVC.No.848/2023.

20. The learned counsel for the claimants in MVC.No.849/2023 i.e., appellants in MFA.No.8983/2025 has submitted that the Tribunal has erred in assessing the income of the deceased notionally as per the chart prepared by Karnataka State Legal Services Authority for the accidents of the year 2022. It is submitted that the Tribunal ought to have assessed the income at Rs.20,000/- p.m., rather than notionally. Without prejudice to the above, it submitted that, even if the income of the deceased is assessed notionally, the income of the deceased ought to have been assessed at Rs.15,500/- p.m. rather than Rs.14,750/- as assessed by the Tribunal. We have carefully perused the Trial Court records and the evidence let in by the claimants in MVC.No.849/2023. The claimants have failed to produce

even an iota of evidence to establish their contention that the deceased was earning Rs.20,000/- p.m.

21. In the absence of any such evidence to establish their claim, the Tribunal was justified in assessing the income of the deceased notionally. However, as per the chart prepared by Karnataka State Legal Services Authority, for the accidents of the year 2022, the notional income of the deceased is to be assessed at Rs.15,500/- p.m. To that extent, the Tribunal has erred in assessing the notional income at Rs.14,750/- p.m. Thus, the notional income of the deceased is assessed at Rs.15,500/- p.m. With regard to the multiplier applied, the future prospects added as well as the deductions for personal and living expenses made, this Court does not find any fault with the Tribunal. On re-assessment of the monthly income of the deceased, claimants would be entitled to modified compensation on the head of loss of dependency as follows:

Rs.15,500+40%-1/2X17X12=**Rs. 22,13,400/-**

22. With regard to the conventional heads, the Tribunal has rightly assessed the compensation under the heads 'funeral expenses' and 'Loss of estate' at Rs.15,000/- each, which requires no interference. With regard to compensation under the head 'Loss of Consortium', the Tribunal has granted Rs.40,000/- each to the claimants No.2 and 3 before the Tribunal, i.e., brother and sister of the deceased. As on the date of the accident as well as on the date of the filing of the claim petition, the mother of the deceased was alive and was also one of the claimants before the Tribunal. The Hon'ble Apex Court in ***KIRTI AND ANOTHER V. ORIENTAL INSURANCE COMPANY LIMITED*** reported in ***(2021) 2 SCC 166*** has held that the claim of the claimants crystallizes as on the date of the accident. It has been held that any subsequent death ought not to be a ground for reduction of motor accident compensation. The relevant extract of the judgment of the Hon'ble Apex Court is produced hereunder:

> *"**9.** We have thoughtfully considered the rival submissions. It cannot be disputed that at the time of death, there in fact were four dependants of the deceased and not three. The subsequent death of the deceased's dependant mother ought not to be a reason for reduction of motor accident compensation. Claims and legal liabilities crystallise at the time of the accident itself, and changes post thereto ought not to ordinarily affect pending proceedings. Just like how the appellant claimants cannot rely upon subsequent increases in minimum wages, the respondent insurer too cannot seek benefit of the subsequent death of a dependant during the pendency of legal proceedings. Similarly, any concession in law made in this regard by either counsel would not bind the parties, as it is legally settled that advocates cannot throw away legal rights or enter into arrangements contrary to law. [Director of Elementary Education v. Pramod Kumar Sahoo, (2019) 10 SCC 674, para 11 : (2020) 1 SCC (Civ) 38: (2020) 1 SCC (L&S) 42]"*

23. Thus, in line with the decision of the Hon'ble Apex Court in ***KIRTI* (supra),** Rs.40,000/- is awarded to the mother of the deceased towards filial consortium, who expired during the pendency of the claim petition. With

regard to compensation under the head 'Loss of Love and Affection', the Hon'ble Apex Court in ***UNITED INDIA ASSURANCE CO. LTD. V SATINDER KAUR*** reported in ***2020 SCC OnLine SC 410***, has held that treating 'Love and Affection' as a separate head is not justified when compensation under the head 'loss of Consortium' has already been granted. Thus, the Tribunal erred in granting compensation under the head 'loss of love and affection'. The claimants in MVC.No.849/2023, i.e., appellants in MFA.No.8983/2025 would be entitled to the following modified compensation.

Sl. No.	PARTICULARS	AMOUNT
1.	Loss of Dependency	Rs. 22,13,400/-
2.	Loss of Consortium	Rs. 1,20,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Funeral Expenses and Transportation Charges	Rs. 15,000/-
	TOTAL	**Rs.23,63,400/-**

Thus, the claimants in MVC.No.849/2023 would be entitled to the enhanced compensation of **Rs.23,63,400/-** as against Rs.23,16,300/-awarded by the Tribunal, at the rate of 6% per annum from the date of petition till the date of realization.

24. In the result, we proceed to pass the following:

ORDER

a) MFA.No.746/2024 filed by the Corporation is dismissed. MFA.No.4776/2025 filed by the Corporation and MFA.No.8983/2025 filed by the claimants in MVC.No.849/2023 are allowed in part.

b) The impugned judgment and award of the Tribunal in MVC.No.849/2023 is modified holding that the claimants would be entitled to the enhanced compensation of **Rs.23,63,400/-** as against Rs.23,16,300/- awarded by the Tribunal.

c) The entire compensation amount shall carry interest at the rate of 6% per annum from the date of petition till date of realization.

d) The Corporation shall deposit the entire compensation amount with accrued interest before the Tribunal within four weeks from the date of receipt of certified copy of this judgment.

e) Apportionment, deposit and disbursement shall be made as per the award of the Tribunal.

f) The amount in deposit, if any, be transmitted to the concerned Tribunal forthwith along with Trial Court Records.

g) Draw modified award accordingly.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE

NC
CT:bms
List No.: 1 Sl No.: 1