



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 2373 OF 2022 (MV-D)

BETWEEN:

THE MANAGING DIRECTOR
B.M.T.C.
SHANTHINAGAR, DOUBLE ROAD,
BENGALURU - 560 027.

...APPELLANT

(BY SRI. D VIJAYAKUMAR, ADVOCATE)

AND:

1. SMT. MARYSHEELA THYAGARAJ
W/O LATE THYAGARAJ @ THYAGARAJAN V,
AGED ABOUT 46 YEARS,

R1 IS DEAD R2 IS THE ONLY LR
OF THE DECEASED R1

AMENDMENT CARRIED OUT AS PER THE ORDER OF
THIS HON'BLE COURT DATED 23-03-2026.

2. MASTER TARUN JOSHUA
S/O LATE THYAGARAJ @ THYAGARAJAN V,
AGED ABOUT 16 YEARS,
RESIDING AT NO.301,
ADONAL-TRINITY,
NEW PRAKRUTHI TOWNSHIP,
BABUSAPALYA,
NEAR MARUTHI SCHOOL



KALYANA NAGAR
BANGALORE - 560 043.

ALSO AT RESIDING AT:
NO.10/13,
7TH CROSS, ITC MAIN ROAD,
JEEVANAHALLI COX TOWN,
BANGALORE - 560 005.

3. SMT VASANTHA V
W/O. VENKATESH @ VENKATESHAN,
AGED ABOUT 82 YEARS,

R3 IS DEAD R2 IS THE ONLY LR
OF THE DECEASED R1

AMENDMENT CARRIED OUT AS PER THE ORDER OF
THIS HON'BLE COURT DATED 23-03-2026.

...RESPONDENTS

(V/O DATED 23/03/2026 DECEASED R1 & R3 -
REP. BY THEIR LR'S R2;
BY SRI. K.T. GURUDEV PRASAD, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 18.01.2022 PASSED IN MVC
NO. 3419/2020 ON THE FILE OF THE MOTOR ACCIDENT
CLAIMS TRIBUNAL AND XV ADDITIONAL SMALL CAUSES JUDGE
AND XXIII ACMM, MAYO HALL UNIT, BENGALURU, SCCH-19
AND ETC.,

THIS APPEAL, COMING ON FOR ORDERS, 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)

This appeal is by appellant-Corporation calling in question the judgment and award dated 18.01.2022, in MVC.No.3419/2020 passed by Motor Accidents Claims Tribunal and XV Addl.Judge SCCH-19, Mayo Hall Unit, Bengaluru ('Tribunal' for short). The Tribunal by the impugned judgment and award, awarded a sum of Rs.37,68,200/- with 6% interest from date of petition till realization for the death of Sri.Thyagarajan.V @ Thyagarajan Venkateshan and fastened the liability on the appellant-Corporation to pay the compensation. The appeal is filed both on liability as well as on quantum.

2. The parties are referred to as per their ranking before the Tribunal.

3. Subsequent to the filing of the appeal, respondent Nos.1 and 3 expired and respondent No.2 who was minor at the time of filing of the appeal, attained the age of majority, an application came to be filed seeking



discharge, which accordingly allowed and he was discharged from guardianship. He is the only legal representative available for both respondent Nos.1 and 3.

4. The brief factual matrix leading to the filing of the appeal are as under:

In an accident occurred on 21.05.2020, the deceased was proceeding on his motorcycle bearing registration No.KA-05/ET-3558 on old airport road, when he reached near HAL junction, Bengaluru City, a BMTC bus bearing registration No.KA-42/F-1691 driven by its driver in a rash and negligent manner came at a high speed and dashed to the motorcycle. As a result, the deceased sustained grievous injuries. Immediately after the accident he was shifted to Chinmaya Hospital for first aid and thereafter to St.John's Hospital and admitted as inpatient. On the following day while under treatment, he succumbed to the injuries. At the time of accident he was aged 58 years and was working as Deputy General Manager in D1 Fortification Private Limited and was drawing salary of



Rs.75,000/- per month and as per Ex.P19- Form No.16 his annual income was Rs.5,71,580/- and the tax paid on the said amount was Rs.14,000/-. Accordingly, claim petition was filed seeking compensation of Rs.80,00,000/- with interest.

5. In response to the notice, the respondent-Corporation appeared and denied the entire claim petition averments and submitted that it is the deceased who was riding the motorcycle in a rash and negligent manner caused the accident and the claim made is exorbitant.

6. After completion of inquiry, the Tribunal has framed in all 3 issues. Issue No.1 was in respect of negligent driving by the driver of the BMTC bus. Issue No.2 is for entitlement of compensation.

7. In order to prove the case, the claimants examined two witnesses as PWs-1 and 2 and produced 20 documents as Exs.P1 to P20. Ex.P19 is Form No.16 for the Assessment year 2020-2021. PW-2 Sri.Suresh.S was the H.R. Executive of D1 Fortification Private Limited. He has



stated regarding the designation of the deceased and his salary particulars. The Corporation examined its driver as RW-1 and produced one document that is letter issued by the company. The Tribunal, after considering the entire evidence both oral and documentary, answered Issue No.1 against the Corporation and awarded compensation of Rs.37,68,200/- along 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 respondent-Corporation in this appeal.

8. Heard Sri.D.Vijayakumar, learned counsel for appellant and Sri.K.T.Gurudev Prasad, learned counsel for respondent No.2.

9. Sri.D.Vijayakumar with all vehemence submits that though the appeal is filed calling in question both on liability as well as quantum, but the appeal is restricted only to the quantum. He submits that the deceased was aged more than 60 years at the time of accident. The Tribunal has failed to consider this aspect of the matter



and the Tribunal has considered the income as per Form No.16 i.e., Ex.P19 and awarded exorbitant compensation. The claimants are not at all entitled for exorbitant compensation. As per the salary slip, the basic pay as well as house rent allowance are very meagre, whereas conveyance allowance paid are higher in the salaries ranging from Rs.40,000/- to Rs.55,000/- and this cannot be termed as Salary.

10. Further, he argued that since the deceased was more than 60 years, the Tribunal has committed serious error in adding 10% towards the future prospectus. Further he submits that the claimants have not produced any document to show what was the earlier avocation of the deceased and Form No.16 filed at the earlier point of time to prove the income. On this, Sri.Vijayakumar sought to allow the appeal and reduce the compensation.

11. Sri.K.T.Gurudev Prasad, learned counsel appearing for respondent No.2-claimant submits that the Tribunal having considered the income of the claimant and



after deducting the income tax paid on the said amount, awarded appropriate compensation. It is on record that the deceased was paid 21 days salary immediately upon his death. This clearly shows that even as on the date of death he was working, that presupposes that he was within 60 years. Accordingly, 10% added towards future prospectus, is in accordance with the law laid down by the Supreme Court in ***National Insurance Company Vs. Pranay Sethi***¹ and sought to dismiss the appeal.

12. Having heard the rival submissions, perused the entire appeal papers. As could be seen from the judgment and award, the Tribunal has considered the income stated in Form No.16 which is the income tax return for the Assessment year 2020-2021. Though several contentions have been urged by Sri.D.Vijay Kumar, none of these questions now raised are put to the claimants before the Tribunal and no documentary evidence produced, except Ex.R1.

¹ 2017 (16) SCC 680



13. In these circumstances, the appellant-Corporation has not discharged the burden casted upon it. Once the initial burden has been discharged by the claimants regarding accident and income of the deceased, the Tribunal having considered all these factual aspects awarded appropriate compensation considering the annual income stated in Ex.P19 that is, Form No.16 and awarded appropriate compensation. The Corporation has not produced any contra evidence either oral or documentary to deny the income and age. A new contention now urged in this appeal cannot be permitted in law.

14. We find no reason to interfere in the well reasoned judgment and award passed by the Tribunal. Accordingly, we proceed to pass the following:

ORDER

- (i) The appeal is ***dismissed***.
- (ii) The amount in deposit shall be transferred to the concerned Tribunal for disbursement.



- (iii) The balance amount shall be deposited by appellant-Corporation before the concerned Tribunal, within six weeks from the date of the receipt of copy of this order.
- (iv) A sum of Rs.5,00,000/- (Rupees Five Lakhs only) shall be released in favour of petitioner/respondent No.2 on proper identification and balance amount along with the accrued interest shall be deposited in any interest bearing FDR with any Nationalised Bank for a period of five years and renewable by another five years.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 2 Sl No.: 5