



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

**MISCELLANEOUS FIRST APPEAL NO. 3076 OF 2025 (MV-
D)**

BETWEEN:

SMT HUCHHAMMA
W/O LATE RAMEGOWDA,
AGED ABOUT 63 YEARS,
R/AT BETTADAKOTE VILLAGE,
BILAGUNDA POST,
BELLUR HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 418.



...APPELLANT

(BY SRI. P MAHADEVASWAMY.,ADVOCATE)

AND:

1. THE DIVISIONAL MANAGER
UNITED INDIA INS. CO. LTD,
R.O. 6TH FLOOR,



KRISHI BHAVAN,
NRUPATHUNGA ROAD,
BANGALORE - 560 001.

2. SRI. MADHU K. S
S/O SHIVAMURTHY K. R.,
KYATHALAPURA VILLAGE,
YELAHANKA POST,
BELUR TALUK,
HASSAN DISTRICT - 573 216.

...RESPONDENTS

(BY SRI. KRISHNA B S.,ADVOCATE FOR R1)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 16.01.2025 PASSED IN MVC
NO. 3929/2023 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSESES, MEMBER, PRINCIPAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, BENGALURU, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION AND ETC.

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



CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/petitioner against the judgment and award dated 16.01.2025 passed in M.V.C.No.3929/2023 by the Chief Judge, Court of Small Causes, Member Principal M.A.C.T., Bengaluru, for enhancement of compensation.

2. Heard arguments of learned counsel for the appellant and learned counsel for respondent No.1.

3. Sri. Ramegowda met with an accident on 14.01.2023 and died. Subsequently, his wife Smt. Huchamma has filed claim petition before the tribunal claiming compensation of Rs.25,00,000/-. The tribunal considering the entire evidence on record, has granted an amount of Rs.6,96,546/- with interest at the rate of 6% per annum from the date of petition till realization.

4. Aggrieved by the said order, the appellant/petitioner has preferred this appeal and mainly contended that Sri. Ramegowda was doing agriculture and also doing coconut



business, earning Rs.20,000/- per month. But the tribunal has taken his income as Rs.16,000/- per month and he took treatment as an inpatient for seven days. Though the charge sheet is filed against the driver of the offending vehicle, the tribunal deducted 10% towards contributory negligence on his part. Thus, the appellant/petitioner requested for modification of the judgment and award passed by the tribunal.

5. Learned counsel for the appellant stated that even as per the sketch, he was on the middle of the road and thus, the contributory negligence was rightly fixed as 10%. Learned counsel of the appellant relied upon the decision of this Court in W.P.No.200295/2025, disposed of on 10.12.2025, which reads as under:

*"11. The Hon'ble Apex Court in the case of **Sudhir Kumar Rana v. Surinder Singh** reported in (2008) 12 SCC 436, has held that merely because the charge-sheet is filed for not holding the driving licence the contributory negligence cannot be fixed upon the deceased".*

6. Learned counsel of the respondents stated that Sri. Ramagowda was not having any driving licence and he was



riding the moped on Bengaluru to Mangalore NH-75. As such, the tribunal rightly considered his contributory negligence as 10% and needs no interference.

7. Sri. Ramegowda was charge sheeted under Sections 279, 304(A) of Indian Penal Code, 1860, and also under Section 181 of the Motor Vehicles Act, 1988. In the charge sheet, it was mentioned that the Complainant - Devaraju is the owner of TVS XL Moped and he authorized Ramegowda, who has no driving licence to drive the moped and thus, penalty of Rs.2,000/- was collected from him under receipt No.1376008. Ex.P8 is the statement of Devaraju. Ex.P9 is the crime detail form and Ex.P10 is the Form No.146(2) forwarded by PSI, Bellur Police Station along with the body of Ramegowda for postmortem.

8. Admittedly, Ramegowda was riding moped on NH-75 even without having any licence and contributed for the accident. The Tribunal rightly considered his contributory negligence as 10%. There is no dispute regarding the amount granted by the tribunal. Therefore, this Court finds no reason to



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interfere with the order of the tribunal. Hence, there are no merits in the appeal. Accordingly, the appeal is ***dismissed***.

Sd/-
(P SREE SUDHA)
JUDGE

PHM
List No.: 1 Sl No.: 8