



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3385 OF 2016 (MV-D)

BETWEEN:

1. SMT. NINGAMMA,
W/O LATE MUNIYAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT NO.254,
DODDABANAGERE, GOLLARAHATTI,
HULIKUNTE HOBLI, CHIKKABANAGERE POST,
SIRA TALUK, TUMKUR DISTRICT.
2. PUTTAMMA,
D/O LATE MUNIYAPPA,
AGED ABOUT 23 YEARS,
RESIDING AT NO.254,
DODDABANAGERE, GOLLARAHATTI,
HULIKUNTE HOBLI, CHIKKABANAGERE POST,
SIRA TALUK, TUMKUR DISTRICT.
3. DEVRAJ,
S/O LATE MUNIYAPPA,
AGED ABOUT 21 YEARS,
RESIDING AT NO.254,
DODDABANAGERE, GOLLARAHATTI,
HULIKUNTE HOBLI, CHIKKABANAGERE POST,
SIRA TALUK, TUMKUR DISTRICT.
4. KANTHARAJU,
S/O LATE MUNIYAPPA,





AGED ABOUT 19 YEARS,
RESIDING AT NO.254,
DODDABANAGERE, GOLLARAHATTI,
HULIKUNTE HOBLI, CHIKKABANAGERE POST,
SIRA TALUK, TUMKUR DISTRICT.

...APPELLANTS

(BY SRI.K.SHANTHARAJ, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KSRTC, K.H.ROAD,
SHANTHINAGAR,
BANGALORE - 560 027.

...RESPONDENT

(BY SRI. A C BALARAJ, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 15.02.2016 PASSED IN MVC
NO.552/2015 ON THE FILE OF THE XVI ADDITIONAL JUDGE,
MEMBER, MACT, COURT OF SMALL CAUSES, BANGALORE,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

This appeal is filed by the appellants/claimants under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 15.02.2016 passed in MVC No.552/2015 on the file of the XVI Additional Judge, Court of Small Causes & Member, MACT, Bangalore, for enhancing the compensation.

2. Heard the arguments of learned counsel for the appellants and learned counsel for the respondents. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. Brief facts of the case are that, one Muniyappa S/o Late Rangappa, met with an accident on 11.03.2014 and died subsequently. His wife and children filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire oral and documentary evidence on record granted an amount of Rs.7,24,000/- with interest at the rate of 9% per annum from the date of petition till the date of payment.



4. Being aggrieved by the said order, claimants have preferred this appeal and mainly contended that the Tribunal has erroneously fixed 25% contributory negligence on the deceased. The deceased was a pedestrian walking on the extreme left side of the road. At that time, the KSRTC bus bearing Registration No.KA-09-F-4986 was driven in a rash and negligent manner and took a sudden left turn towards the extreme left side of the footpath and dashed against him. As a result, he sustained grievous injuries and died on the spot. The deceased was aged 45 years and was working as a shepherd, earning Rs.20,000/- per month. But the Tribunal assessed his monthly income at only Rs.8,000/-, which is on the lower side. It is further contended that future prospects ought to have been considered at 30% instead of 15% and a sum of Rs.1,00,000/- is to be awarded towards loss of love and affection to each of the appellants. A sum of Rs.1,00,000/- should be awarded to the wife of the deceased under the head of loss of



consortium. Therefore, requested for enhancement of the compensation.

5. The manner of the accident reveals that while the deceased-Muniyappa, was walking on the extreme left side of the road, the KSRTC bus came in a rash and negligent manner and dashed against him. The Tribunal observed that a perusal of the sketch and panchanama marked as Exs.P.3 and P.4 shows that the accident occurred on the road leading to Mysore and the place of accident was 5 feet inside the tar road. The bus was coming from the Mysore side. The road runs from east to west with Mysore on its eastern side. Therefore, the southern portion of the road was the correct side for the bus to proceed. The driver of the bus was examined as RW.1. The Tribunal observed that the evidence of RW.1 was corroborated by the sketch and the panchanama. As per the IMV report, the brake system of the bus was in order. The driver ought to have applied the brakes to avoid the accident. After considering the evidence of PW.1



and RW.1 and the contents of Exs.P.1 to P.7, the Tribunal held that Muniyappa also contributed to the accident to the extent of 25%.

6. Learned counsel for the appellants contended that the charge sheet has been filed against the driver of the bus. It is not stated anywhere that Muniyappa suddenly came on the road. The driver of the bus ought to have noticed him from a distance and applied the brakes. The driver of the bus did not gave any complaint either to the police or to the department immediately after the accident to prove that there was no negligence on his part. Therefore, this Court finds that the driver of the bus alone is liable to pay the compensation.

7. It is stated that the petitioner was aged 45 years, was owning 150 sheeps and was earning Rs.20,000/- per month. But he has not filed any income proof. As he met with an accident in the year 2014, this Court finds it reasonable to take his notional income as



Rs.8,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority. The Tribunal observed that the age of the deceased was mentioned as 51 years in the inquest report and 49 years in the post-mortem report. It was also noted that the complaint was filed by the younger brother of the deceased, wherein his age was stated as 50 years. Therefore, the Tribunal considered his age as 51 years and applied the multiplier of '11' and it is confirmed. Since the deceased was aged 51 years, future prospects are to be added at the rate of 10% and 1/4th is to be deducted towards his personal expenses. Accordingly, the loss of dependency comes to **Rs.9,25,650/-** $(8,500 + 10\% \times 12 \times 11 - 1/4\text{th})$. Petitioner No.1 is the wife of the deceased, is entitled to **Rs.40,000/-** towards spousal consortium. Petitioner Nos.2 to 4 are entitled to **Rs.40,000/-** each towards parental consortium. They are also entitled to a sum of **Rs.30,000/-** under the conventional heads.



8. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of dependency	9,25,650/-
2	Towards spousal consortium to petitioner No.1	40,000/-
3	Towards parental consortium to petitioner Nos.2 to 4	1,20,000/-
4	Towards conventional heads	30,000/-
	Total	11,15,650/-

9. Hence, the appellants-claimants are entitled for a total compensation of Rs.11,15,650/- along with interest at the rate of 6% p.a.

10. In the result, the following order is passed:

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 15.02.2016 passed in MVC No.552/2015 on the file of



the XVI Additional Judge, Court of Small Causes & Member, MACT, Bangalore, is modified.

- iii. Respondent/Managing Director of KSRTC has already deposited 75% of the awarded amount before the Tribunal. Therefore, respondent/ Managing Director of KSRTC is directed to deposit the balance compensation along with the interest at the rate of 6% within one month from the date of this order.
- iv. On such deposit, petitioner No.1-wife of the deceased is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE