



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3505 OF 2025

(MV-D)

BETWEEN:

1. THE MANAGING DIRECTOR
MOTOR CLAIMS HUB
B.M.T.C. SHANTHINAGAR
BANGALORE-560 027.
(BMTc No. KA-57/F-4872)
NOW REPRESENTED BY
IT'S CHIEF LAW OFFICER.

...APPELLANT

(BY SRI DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

1. SRI R RAMAKRISHNAPPA
S/O. R. PAPANNA
AGE 54 YEAR
R/AT No.1-18,
SOGADA BALLA, CHENGU BALLA
SHANTHIPURAM, CHITTOOR
ANDHRA PRADESH - 517 423.

...RESPONDENT

(BY SRI GURUDEVA PRASAD K T, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:18.02.2025 PASSED IN MVC No.7454/2023 ON THE FILE OF THE XV ADDITIONAL SMALL CAUSES JUDGE AND MACT, COURT OF SMALL CAUSES, MAYO HALL UNIT, BENGALURU (SCCH-19), AWARDDING COMPENSATION OF RS.22,73,031/- WITH





INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the Corporation (BMTC) challenging the judgment and award dated 18.02.2025 passed in MVC No.7454/2023 by XV Additional Small Causes Judge and M.A.C.T., Bengaluru (SCCH-19).

2. Even though the appeal is listed today for admission, with consent of learned counsel for the appellant and learned counsel for the respondent, it is taken up for disposal.

3. The respondent –claimant made a claim petition praying to award of compensation for the death of R. Amaresh in a road traffic accident which occurred on 27.10.2022 contending that the accident occurred due to the rash and negligent driving of the driver of BMTC bus bearing registration No.KA-57/F-4872. The Tribunal after



recording evidence and appreciating evidence on record has assessed compensation and awarded total compensation of Rs.25,25,590/-. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation. The Tribunal further held that there is negligence on the part of the deceased at 10% and directed the corporation to pay 90% of the compensation awarded. The corporation has filed the present appeal challenging the finding of the Tribunal imposing 10% contributory negligence on the part of the deceased contending that there is more contributory negligence on the part of the deceased.

4. Heard learned counsel for the appellant and learned counsel for the respondent.

5. Learned counsel for the appellant would contend that the accident occurred on a service road at distance of 8 feet from the left side of the road and the said service road is two way and there was no occasion for the deceased to cross the road as there was a grill in



between service road and the highway. The deceased suddenly came on the road and the driver in spite of applying break has dashed to the deceased. The said aspect itself indicates that the deceased was more negligent and his negligence is more than 10%. The Tribunal has failed to consider the said aspect. With this he prays to allow the appeal.

6. Learned counsel for the respondent would contend that even though there was no negligence on the part of the deceased and as the charge sheet is filed against the driver of the bus, the Tribunal has assessed the contributory negligence on the part of the deceased at 10%. There are no break marks on the road to indicate the immediate action taken by the driver of the bus to stop the bus on seeing the deceased on the road. Considering all these aspects, there are no grounds to enhance the contributory negligence on the part of the deceased. With these, he prays to dismiss the appeal.



7. Having heard learned counsels, this Court has perused impugned judgment and award.

8. The accident occurred on service road situated beside Kolar –Bengaluru NH-75. On perusal of Ex.P4 - sketch, the accident occurred at distance of 8 feet from left side and 14 feet from the right side. The said service road is stated to be two way road. The driver of the bus has been examined as R.W.1 and he has stated that on seeing the deceased coming suddenly on the road, applied break. On perusal of Ex.P3 -spot mahazar and Ex.P4 - sketch, there is no mention of any break marks on the spot. Moreover, the charge sheet has been filed against the driver of the bus for rash and negligent driving of the bus. Considering the said aspect, it cannot be said that the finding of the tribunal assessing contributory negligence on the part of the deceased at 10% is on lower side. Therefore, the Tribunal has rightly assessed the contributory negligence on the part of the deceased at



10% and on the part of the driver of the BMTC bus at 90%.

9. In view of the above, the following

ORDER

- i) The appeal is ***dismissed.***
- ii) The amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 48