



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 3756 OF 2024

(MV-D)

BETWEEN:

THE MANAGING DIRECTOR
B.M.T.C.
DOUBEL ROAD,
SHANTHINAGAR
BENGALURU-560 027
REPRESENTED BY ITS
CHIEF LAW OFFICER

...APPELLANT

(BY SRI. DABALI FAKKIRAPPA SHIDRAMAPPA, ADVOCATE)

AND:

SMT A.B.HURBANU LALU BAI GARI
W/O ABUBAKAR SIDDIQ LALU BAI GARI
AGED ABOUT 51 YEARS,
RESIDING AT NO.4-131
PEDDATHIPPASAMUDRAM CHITTOOR
ANDRA PRADESH-517 391

...RESPONDENT

(BY SRI. N.R.RANGEGOWDA, ADVOCATE)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.02.2024 PASSED IN MVC NO.2973/2023 ON THE FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE AND ACMM, MEMBER, MACT- BENGALURU (SCCH-5), AWARDED COMPENSATION OF RS. 22,70,232/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

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by MEGHA
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Location: HIGH
COURT OF
KARNATAKA



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL JUDGMENT

Aggrieved by the award passed in MVC No.2973/2023 dated 13.02.2024 by the VIII Addl. SCJ & ACMM, MACT, Bengaluru, whereby the tribunal had granted compensation of an amount of Rs.22,70,232/- and held that the accident had taken place because of the rash and negligent driving of the driver of the BMTC Bus, the BMTC is before this court.

2. The claim petition was filed seeking compensation for an amount of Rs.1,00,00,000/- for the death of the deceased in the road traffic accident. It is the case that on 15.05.2023 at about 1.30 p.m. the deceased was going on a motor cycle, at that time, the BMTC bus came at high speed and dashed behind his motor cycle, due to the impact the deceased fell down and wheel of the said bus ran over on his leg, as result he succumbed to the injuries on the spot.

3. Learned counsel appearing for the BMTC submits that there is negligence on the part of the deceased and the tribunal has failed to consider the contributory negligence. It is submitted that the tribunal ought to have fixed the contributory



negligence on the part of the deceased. It is submitted that as per sketch Ex.P-3 it is evident that there is contributory negligence on the part of the deceased.

4. Learned counsel appearing for the respondent/claimant submits that the tribunal had rightly considered this aspect and rightly held that there is negligence on the part of the driver of the BMTC Bus, rightly fixed the liability on the BMTC and there are no grounds to interfere.

5. Having heard the learned counsels on either side, perused the entire material on record. This court has perused the award passed by the Tribunal. Coming to the aspect of negligence, the tribunal has observed that as per Ex.P.1 to Ex.P11 as the accident occurred due to negligence of the bus driver, charge sheet is filed against him. The driver of the BMTC bus has appeared before the tribunal and he has not denied the place, date and time of accident. He has deposed that accident had occurred due to negligence of the deceased. In the cross-examination, he has stated that he had been to Banaswadi police station to lodge the complaint, but they have not received the same. Then he lodged the complaint before the



commissioner of police and have a copy of such complaint with him, but not produced before the court. Further he admits that FIR and chargesheet are against him, department enquiry is pending against him. He further denied that in order to escape from the liability he is giving false evidence.

6. Further the tribunal noticed that while moving on a highway, BMTC bus dashed against the hind side of the motorcycle and caused this accident which runs about 53 feet even after crossing the accident spot. The tribunal observes that to fix the contributory negligence on the part of the deceased there should be some evidence on record. The tribunal had disbelieved the evidence and held that without any basis the tribunal cannot fix the negligence on the deceased and accordingly held that it is a BMTC driver who is liable. The finding of the tribunal is perfectly valid wherein the tribunal had rightly considered all the aspects right from the FIR and chargesheet and also the fact that except the driver, no other independent witness is examined. In the considered opinion of this court, no interference is called for. Even the quantum, the tribunal had rightly granted the compensation.



- i. Accordingly, appeal filed by the BMTC is ***dismissed***.
- ii. The amount in deposit shall be forthwith transferred to the Tribunal.
- iii. Registry is directed to return the Trial Court Records to the tribunal, along with certified copy of the order passed by this Court forthwith without any delay.
- iv. No costs.
- v. Pending miscellaneous petitions, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 2 SI No.: 85