



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4192 OF 2024 (MV-D)

BETWEEN:

1. A PADMAVATHAMMA,
W/O LATE NARASIMHA REDDY,
AGED ABOUT 53 YEARS.
2. AVULA PRAKASH REDDY,
S/O LATE NARASIMHA REDDY,
AGED ABOUT 32 YEARS.
3. A PRATHAP REDDY,
S/O LATE NARASIMHA REDDY,
AGED ABOUT 28 YEARS,

ALL ARE RESIDING AT
NO.1-309, EGUVA BUDIDA VEDU,
DIGUVA BUDIDA VEDU,
VYALPAD CHITTOR,
ANDHRA PRADESH - 517 237,
NOW IN BANGALORE.

...APPELLANTS

(BY SRI. RANGEGOWDA N R., ADVOCATE)

AND:

1. NATIONAL INSURANCE CO. LTD.,
REP BY IT'S MANAGER,
REGIONAL OFFICE, NO.144,
2ND FLOOR, SUBHARAM COMPLEX,
M. G. ROAD, BANGALORE - 560 052.





2. M/S LAKSHMI DEVI COMADA,
C/O C. B. RAVINDRA REDDY,
AGED MAJOR,
NO.50/68, KOTAPETA,
ROYACHOTI, KADAPA,
PRODDATUR, KADAPA,
ANDHRA PRADESH - 516 360.

...RESPONDENTS

(BY SRI. JANARDHANA REDDY., ADVOCATE FOR R1;
V/O/D 06.02.2025 NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.28.08.2023 PASSED IN MVC
NO.5959/2019 ON THE FILE OF THE VIII ADDITIONAL SMALL
CAUSE JUDGE AND ACMM, C/c. X ADDITIONAL SMALL CAUSE
JUDGE AND ACMM, MEMBER, MACT, BENGALURU, (SCCH-16),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL 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 28.08.2023 passed in MVC
No.5959/2019 on the file of the VIII Additional Judge and



ACMM, C/c. X Additional SCJ and ACMM, Member-MACT, Bengaluru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellants and learned counsel for respondent No.1/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. Brief facts of the case are that, one A. Dwarakanatha Reddy, met with an accident on 05.09.2019 and died subsequently. His mother and brothers filed a claim petition claiming compensation of Rs.50,00,000/-. The Tribunal considering the entire evidence on record granted a sum of Rs.17,24,141/- with interest at the rate of 6% per annum from the date of the petition till its realization. Being aggrieved by the said award, the claimants have preferred the present appeal and mainly contended that the deceased was working as a mason and earning Rs.20,000/- per month. But the Tribunal erred in taking his income at Rs.14,898/- per month. The Tribunal also fixed contributory negligence on the part of the



deceased at 20%, though the charge sheet has been filed against the driver of the offending vehicle, the Tribunal failed to properly consider the same. The claimant is also entitled to interest at the rate of 9% per annum.

4. Learned counsel for respondent No.1 stated that the deceased was crossing the road at a place where there was no zebra crossing on NH-71. Therefore, the Tribunal rightly considered the said fact and fixed contributory negligence at 20% and it is to be confirmed.

5. Learned counsel for the appellants mainly contended that as the charge sheet is filed against the driver of the offending vehicle, there was no negligence on the part of the deceased and therefore, the contributory negligence fixed on him requires modification. He further stated that he is not disputing the amounts awarded by the Tribunal under other heads.

6. The appellants/claimants examined an eyewitness and he stated that the accident occurred only



due to the negligence of the driver of the bus. Even in the cross-examination, the only suggestion made was that there was no zebra crossing at the place of the accident. The main contention of the respondents is that since the deceased was crossing NH-71 at a place where there was no zebra crossing, he is also liable for contributory negligence. But this is not a case where the A. Dwarakanatha Reddy suddenly came on to the road. The driver of the bus can see the person who was crossing the road from a distance. It is also not the case that the road was curved, where he cannot see it from a long distance. Therefore, this Court finds that there was no negligence on the part of A. Dwarakanatha Reddy while crossing the road.

7. Admittedly, the charge sheet has been filed against the driver of the offending vehicle and the contributory negligence fixed at 20% on the deceased by the Tribunal is not based on proper appreciation of the



facts and needs to be set aside. The amounts granted by the Tribunal under other heads are confirmed.

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

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award dated 28.08.2023 passed in MVC No.5959/2019 on the file of the VIII Additional Judge and ACMM, C/c. X Additional SCJ and ACMM, Member-MACT, Bengaluru, is modified.
- iii. Respondent No.1/Insurance Company has already deposited 80% of the compensation amount. Therefore, respondent No.1/Insurance Company is directed to deposit the balance compensation amount 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/mother of the deceased alone is permitted to withdraw the entire amount along with interest accrued on the same.
- v. On 22.09.2025, the delay of 196 days is condoned by this Court on the condition that the claimants will not be entitled for the interest in case of enhancement. Hence, respondent No.1 is not liable to pay the interest for the delayed period.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 100