



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**M.F.A. NO. 5684 OF 2025 (MV-D)**

**BETWEEN:**

THE APSRTC  
VC AND MD,  
BANAGANAPALLI, KURNOOL,  
ANDRA PRADESH-518124.  
REP. BY ITS MANAGING DIRECTOR  
APSRTC, RTC HOUSE,  
VIJAYAWADA,  
ANDHRA PRADESH-522 503.

...APPELLANT

(BY SRI. D VIJAYA KUMAR, ADV.)

**AND:**

1. SMT. CHITRA KUMARI U  
W/O. LATE BHUSHAN RAO. G.  
D/O. G. UMAKANTH RAO.  
AGED ABOUT 28 YEARS,
2. MASTER. SANITH RAO. B.  
S/O. LATE BHUSHAN RAO. G.,  
AGED ABOUT 10 YEARS,

SINCE RESPONDENT NO.2 IS MINOR,  
REPRESENTED BY HIS MOTHER  
NATURAL GUARDIAN,





SMT. CHAITRA KUMARI. U,  
RESPONDENT NO.1.

3. SRI. GANESH RAO  
S/O. SRI. RAMARAO,  
F/O. LATE BHUSHAN RAO.  
AGED ABOUT 60 YEARS,

ALL ARE R/AT NO.908,  
JUDICIAL STAFF QUARTERS,  
SADANANDA NAGARA TEMPLE ROAD,  
BYYAPPANAHALLI VTC,  
INDIRANAGARA,  
BENGALURU-560036.

...RESPONDENTS

(BY SRI. N THIMMEGOWDA, ADV. FOR R1 TO R3  
R2 IS MINOR REP. BY R1)

THIS APPEAL IS FILED U/S.173(1) OF MV ACT, AGAINST  
THE JUDGMENT AND AWARD DATED 04.01.2025 PASSED IN  
MVC NO.1031/2022 ON THE FILE OF THE XXI ADDITIONAL  
SMALL CAUSE JUDGE AND MACT, BENGALURU, (SCCH-23),  
AWARDING COMPENSATION OF RS.76,82,700/- WITH  
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION  
TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
AND  
HON'BLE MR. JUSTICE K. V. ARAVIND



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE K.V. ARAVIND)

This appeal is filed by the APSRTC, calling in question the judgment and award passed in MVC No.1031/2022 dated 04.01.2025, insofar as it relates to the determination of the age of the deceased and the attribution of 100% negligence to the driver of the offending bus.

2. The respondents herein are the wife, son and father of the deceased, who succumbed to the injuries sustained in the accident that occurred on 13.10.2021 involving a car bearing Registration No. KA-01-MM-1275 and an APSRTC bus bearing Registration No. AP-28-Z-4720. It is the case of the claimants that the accident occurred on account of the rash and negligent driving of the driver of the offending bus. It is further pleaded that the deceased was employed as a Junior Executive at Siemens Technology and Services Private Ltd., and was drawing a salary of Rs.60,000/- per month. It is also pleaded that the deceased was aged 34 years as on the date of the accident.



2.1 On service of notice, the respondent–Corporation entered appearance and filed its statement of objections, inter alia, questioning the territorial jurisdiction of the Tribunal. The Corporation denied the averments made in the claim petition, including the age and income of the deceased, the occurrence of the accident, and the involvement of its vehicle.

2.2 Claimant No.1 examined herself as PW1. The Manager of Siemens Private Limited, where the deceased was employed, was examined as PW2 and was further examined as PW3. In support of the claim, Exs.P1 to P10 were marked. The respondents did not adduce any oral evidence nor produce any documents.

2.3 The Tribunal, on appreciation of the evidence on record, held that the accident occurred due to the negligence of the driver of the bus. Taking into consideration the pay slips at Ex.P6 and the evidence of PWs 1 and 3, the Tribunal assessed the monthly income of the deceased at Rs.43,265/-. Considering the age of the deceased as 34 years and applying the multiplier of '16', the Tribunal assessed compensation



towards loss of dependency. In addition, compensation was awarded under the conventional heads.

3. Sri. Vijaykumar, learned counsel appearing for the appellant–Corporation, learned counsel further contends that the accident occurred due to the negligence of the deceased. It is submitted that the Tribunal has committed an error in not attributing any negligence to the deceased.

4. Sri. Thimmegowda, learned counsel appearing for the respondents, submits that the age of the deceased was 34 years as borne out from the records.

4.1 Learned counsel has placed reliance on the SSLC marks card to demonstrate that the date of birth of the deceased is 03.09.1987. He further submits that the compensation awarded under various heads is just and reasonable and that no interference by this Court is warranted.

5. Having heard the learned counsel for the parties and upon perusal of the record, it is evident that the occurrence of the accident involving the car bearing Reg.No.KA-01-MM-1275 and the bus bearing Reg.No.AP-28-Z-4720 is not in dispute.



6. The dispute is confined to two issues, namely: (i) the age of the deceased; and (ii) the question of negligence.

7. Learned counsel for the respondents has filed a Memo dated 24.02.2026 along with copies of the SSLC marks card and Aadhaar Card of the deceased, which disclose the date of birth as 03.09.1987. The aforesaid documents have not been disputed by the learned counsel for the appellant. In that view of the matter, we find no error in the Tribunal considering the age of the deceased as 34 years. Further Ex.P4 also records the age of deceased as 34 years.

8. Insofar as the question of negligence is concerned, as contended by the learned counsel for the appellant, we notice from the material on record that the accident occurred on a double road, on the left side thereof. The car was proceeding on the extreme left of the road, while the offending bus was in the process of crossing the road.

8.1 The contention of the appellant that the driver of the car was not diligent and had contributed to the accident cannot be accepted. When a bus is crossing a highway, the right of way



primarily vests with the vehicle proceeding along the highway. Any vehicle intending to cross the highway is required to exercise due caution by ensuring that there is no oncoming traffic from either side and may proceed only when it is safe to do so. At the very least, appropriate indication or signal is required so as to alert vehicles proceeding on the main road to slow down, thereby facilitating safe crossing.

8.2 In the present case, no such due diligence appears to have been exercised by the driver of the bus. In that view of the matter, the finding of the Tribunal that the accident occurred due to the sole negligence of the driver of the bus does not call for interference.

9. We find no infirmity or error in the order passed by the Tribunal. Accordingly, the appeal stands ***dismissed***.

Insofar as the quantum of compensation is concerned, the same has been computed on the basis of the evidence on record, particularly the pay slips and the testimony of the employer of the deceased. The compensation awarded under the other conventional heads is in accordance with the settled position of law.



**NC: 2026:KHC:11498-DB**  
**MFA No. 5684 of 2025**

The appellant-Corporation shall deposit the remaining compensation within a period of six months from today.

The amount deposited shall be transferred to the Tribunal for disbursement.

**Sd/-**  
**(S.G.PANDIT)**  
**JUDGE**

**Sd/-**  
**(K. V. ARAVIND)**  
**JUDGE**

BSV  
CT:bms  
List No.: 1 Sl No.: 7