

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 06<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

MISCELLANEOUS FIRST APPEAL NO.100428 OF 2020 (MV-D)



**BETWEEN:**

THE DIVISIONAL CONTROLLER,  
NWKRTC CHIKODI,  
CHIKODI DIVISION CHIKODI,  
REP. BY DULY CONSTITUTE AUTHORITY,  
CHIEF LAW OFFICER CENTRAL OFFICE,  
GOKUL ROAD, HUBBALLI.

...APPELLANT

(BY SRI. M.K. SOUDAGAR, ADVOCATE)

**AND:**

1. SHRI. MAYAPPA S/O. MARUTI WADDAR  
AGE: 40 YEARS, OCC: AGRICULTURE,  
R/O: CHINCHALI GUDAD TAI TOT,  
TAL: RAIBAG, DIST: BELAGAVI.
2. SMT. MANJULA W/O. MAYAPPA WADDAR  
AGE: 36 YEARS, OCC: AGRICULTURE,  
R/O: CHINCHALI GUGAD TAI TOT,  
TAL: RAIBAG, DIST: BELAGAVI.

...RESPONDENTS

(R1 & R2-SERVED)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO CALL FOR RECORDS IN CASE MVC NO.331/2018 ON THE FILE F THE HON'BLE SENIOR CIVIL JUDGE AND JMFC RAIBAG AND SET ASIDE THE JUDGMENT AND AWARD DATED 31.08.2019 BY ALLOWING THIS APPEAL WITH COST AND GRANT SUCH OTHER AND/OR FURTHER RELIEF'S AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 30.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:  
CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO



**CAV JUDGMENT**

1. This appeal is filed by the appellant-North West Karnataka Road Transport Corporation, calling in question the judgment and award dated 31.08.2019 passed in MVC No.331/2018 by the Court of the Senior Civil Judge and MACT, Raibag, awarding compensation of Rs.11,55,000/- with interest at 6% per annum from the date of petition till realization.

2. Briefly stated, on 03.01.2018 at about 7.20 a.m., the deceased Vishal, aged about 17 years, was riding a motorcycle bearing registration No.KA-23/Y-5583 from Chinchali towards Raibag. When he reached near Bharath Shetty Garden on Chinchali-Raibag road, the NWKRTC bus bearing registration No.KA-22/F-1858 came from the opposite direction and dashed against the motorcycle. As a result of the impact, the deceased sustained grievous injuries and succumbed to the same.

3. The parents of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act before the Tribunal contending that the accident occurred solely due to rash and negligent driving of the bus driver and sought compensation. The Tribunal, on appreciation of oral and documentary evidence, held the driver of the bus negligent and awarded total compensation

of Rs.11,55,000/- fastening the liability on the appellant-Corporation.

4. Being aggrieved by the said judgment and award, the appellant-NWKRTC has filed the present appeal contending that the Tribunal erred in holding the driver of the bus negligent. It is specifically contended that the accident occurred solely due to the rash and negligent riding of the motorcycle by the deceased himself. The deceased was aged about 17 years and was incompetent to ride the motorcycle and did not possess a valid driving licence at the time of the accident.

5. It is further contended that the Motor Vehicle Inspector's report at Ex.P4 discloses that the damages found were only on account of the motorcycle falling on the ground and that there were no damages or scratch marks on the bus involved in the accident. On behalf of the appellant-Corporation, rebuttal evidence was led to establish that the accident occurred only due to the rash and negligent riding of the motorcycle by the deceased.

6. Without prejudice to the above contention, it is alternatively submitted that even if the accident is held to be one

involving contributory negligence, the Tribunal ought to have fixed a substantial portion of negligence on the deceased rider. At any rate, the negligence attributable to the deceased ought to have been assessed at not less than 25%, with the remaining negligence, if any, attributable to the driver of the bus.

7. Notice to the respondents-claimants was duly served. However, they have remained unrepresented before this Court.

8. The occurrence of the accident, involvement of the NWKRTC bus, death of Vishal, and the relationship of the claimants with the deceased are not in dispute. The dispute is confined to the aspects of negligence and quantum of compensation.

9. A perusal of the pleadings and the documentary evidence placed before the Tribunal, including the FIR, spot panchanama, MVI report (Ex.P4), and charge sheet, indicates that the accident occurred on a public road and involved the NWKRTC bus and the motorcycle ridden by the deceased. The MVI report shows that the damages are confined to the motorcycle, with no visible damage or scratches to the bus. The

Tribunal has accepted the version of the claimants and held the driver of the bus negligent.

10. At the same time, the appellant–Corporation has contended that the deceased, being only 17 years old, incompetent to ride a motorcycle and not possessing a valid driving licence, also contributed to the occurrence of the accident. The evidence, including the manner and place of the accident, suggests that the deceased did not exercise due care and caution while riding the motorcycle. This Court finds merit in considering the appellant’s contention of contributory negligence.

11. Having regard to the overall facts and circumstances and the documentary evidence on record, the ends of justice would be met by attributing 25% contributory negligence to the deceased and 75% negligence to the driver of the bus, while retaining the compensation quantum as assessed by the Tribunal, subject to this adjustment.

12. Insofar as the quantum of compensation is concerned, the deceased was aged 17 years at the time of the accident. The Tribunal has assessed the income of the deceased at Rs.10,000/- per month. Considering the year of accident i.e.,

2018 and the nature of avocation, the income so assessed cannot be said to be arbitrary.

13. The deduction of 50% towards personal expenses and application of multiplier of 18 are in accordance with the principles laid down in ***Sarla Verma and others vs. Delhi Transport Corporation and another*** reported in **(2009) 6 SCC 121**. The compensation awarded under conventional heads is also just and reasonable. Therefore, except to the extent of fixing contributory negligence, the award passed by the Tribunal does not warrant interference on the quantum. After applying 25% contributory negligence, the compensation is recalculated as under:

| Sl. No. | Particulars                                       | Tribunal Award (Rs.) | This Court (Rs.) |
|---------|---------------------------------------------------|----------------------|------------------|
| 1       | Loss of dependency                                | 10,80,000            | 10,80,000        |
| 2       | Funeral expenses, loss of love and affection etc. | 75,000               | 75,000           |
|         | Total                                             | 11,55,000            | 11,55,000        |
|         | Less: 25% contributory negligence                 | —                    | 2,88,750         |
|         | Net compensation payable                          | —                    | 8,66,250         |

14. Thus, the claimants are entitled to total compensation of Rs.8,66,250/- instead of Rs.11,55,000/-. The rate of interest at 6% per annum awarded by the Tribunal from

the date of petition till realization is affirmed. The appellant-Corporation is liable to satisfy the award to the extent of 75%. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The appeal is allowed in part.
- (ii) The judgment and award dated 31.08.2019 passed in MVC No.331/2018 by the Senior Civil Judge and MACT, Raibag, is modified to the extent that the claimants shall be entitled to compensation of Rs.8,66,250/- with interest at 6% per annum from the date of petition till realization.
- (iii) The appellant-Corporation shall deposit the modified compensation amount, after adjusting any amount already deposited, within eight weeks from the date of receipt of a certified copy of this judgment. ***\*Registry is directed to transmit the statutory amount deposited before this Court to the Tribunal forthwith.\****
- (iv) On such deposit, the amount shall be released to the claimants in the same manner and proportion as directed by the Tribunal.
- (v) No order as to costs.

**Sd/-**  
**(DR. K.MANMADHA RAO)**  
**JUDGE**

Rsh, CT:VP