

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MFA NO. 102132 OF 2025 (MV)

BETWEEN:

THE DIVISIONAL CONTROLLER, NEKRTC,
DIVISIONAL OFFICE,
SIMPILINGANNA ROAD,
KOPPAL-58 3231,

THROUGH
CHIEF LAW OFFICER,
K.K.R.T.C.,
SARIGE SADANA,
KALBURGI-585 101.

... APPELLANT

(BY SRI MADANMOHAN M. KHANNUR, ADVOCATE)

AND:

1. BASAPPA S/O SANGAPPA ARIKERI,
AGED ABOUT 51 YEARS,
OCC. AGRICULTURE,
R/O. WARD NO.2, BETAGERA,



TQ. KOPPAL, DIST. KOPPAL-583 231.

2. MANJUNATH
S/O GUDNEPPA MULIMANI,
AGE. 51 YEARS,
OCC. DRIVER OF NEKRTC BUS,
NO.KA-37-F/0622,
KOPPAL DEPOT,
R/O. MAINALLI,
TQ. KOPPAL,
DIST. KOPPAL-583 231.

... RESPONDENTS

(BY SRI D.V. PATTAR, ADV. FOR
SRI. RAVI L.H., ADVOCATE FOR C/R1;
NOTICE ISSUED TO R2 IS SERVED BUT UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO SET-ASIDE JUDGMENT AND AWARD DATED 03.12.2024 PASSED IN M.V.C. NO.238/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDL. MACT KOPPAL, AND DISMISS THE CLAIM PETITION IN THE INTEREST OF JUSTICE AND ETC.

THIS APPEAL IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 20.02.2026, THIS DAY, **B. MURALIDHARA PAI J.**, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

1. The Division Controller, NEKRTC, Koppal (hereinafter referred as 'the Corporation') has maintained this appeal being aggrieved by the judgment and award dated 03.12.2024 passed in MVC No.238/2020 by the learned Senior Civil Judge and Additional M.A.C.T., Koppal (for short 'the Tribunal').

2. The claimant viz., Sri Basappa maintained a claim petition in MVC No.238/2020 before the Tribunal under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.51,00,000/- for the injuries sustained by him in a road traffic accident occurred on 12.09.2019, on the ground that he met with the said accident due to rash and negligent driving on the part of the driver of NEKRTC bus bearing No.KA-37-F-622 and sustained grievous injuries.

3. On service of notice, the respondents therein appeared before the Tribunal and contested the petition. Thereafter, the Tribunal decided the claim petition on merits of the case. The Tribunal held that the driver of the bus was responsible for the accident and considering nature of injuries

sustained by the claimant and other relevant factors, it allowed the claim petition in part, holding that the claimant is entitled for compensation of Rs.18,36,447/- together with interest @ 6% per annum from the date of petition till its realization. The Tribunal further directed the Corporation to pay the entire award amount with due interest subject to their right to recover 50% of the amount from the owner of Innova car, which is the other vehicle involved in the accident.

4. Being dissatisfied with the impugned judgment and award, the Corporation has come up with this appeal, praying to set aside the impugned judgment and award, mainly on the ground that the Tribunal has erred in attributing negligence on the part of driver of the bus though there was ample materials on record to show that the accident occurred due to the rash and negligent driving on the part of the driver of Innova car, the other vehicle involved in the incident.

5. Sri Madanmohan M. Khannur, learned Counsel for the NEKRTC vehemently submitted that admittedly an unknown Innova car, which had come from rear side of the bus, ran over the claimant when its driver overtook the bus from its left side and driver of the bus, no way responsible for the incident. He

contended that even otherwise the compensation awarded by the Tribunal under the head of loss of future earnings and such other heads is on exorbitant and excessive. As such, he prayed to dismiss the claim petition against the Corporation.

6. Per contra, Sri D.V. Pattar, learned Counsel for Sri Ravi C.H., Advocate for the Claimant, supported the findings recorded by the Tribunal and relied on the decision in **Khenyei v. New India Assurance Company Limited and others** reported in **(2015) 9 SCC 273** to contend that the Tribunal was fully justified in issuing a direction against the Corporation, to satisfy the award.

7. On hearing the arguments advanced on both sides, the following points would arise for the consideration of this Court:

- (i) *Whether the Tribunal is justified in holding the driver of the bus responsible for the accident?*
- (ii) *Whether the compensation awarded by the Tribunal is on higher side?*
- (iii) *Whether the Tribunal is justified in directing the Corporation to satisfy the award?*

Point No. (i) :

8. The case of the claimant is that on 12.09.2019 at about 5.40 p.m., in Bannikatti Bus Stop, when he was trying to board the bus bearing No.KA-37-F-0622, other passengers pushed him from the said bus and as a result, he fell down from the bus. Meanwhile, the driver moved the bus rashly and negligently on his left leg, due to which he sustained grievous injuries on his left leg.

9. Whereas, the Corporation and its driver contended that while other passengers were getting down from the bus, the claimant tried to board the bus in a hurry and due to his own negligence, the claimant fell down from the bus. They further contended that at that time, an unknown Innova car came from back side of the bus and ran over the left leg of the claimant when its driver overtook the bus from its left side. As such, they contended that the bus driver was not at all responsible for the accident.

10. The materials on record make it clear that there is no dispute regarding the manner in which the accident took place. When the claimant fell from the bus, he was run over by

an unknown Innova Car, which overtook the bus from its left side. The material question would be whether the bus driver contributed for the said incident or not. The materials on record clearly establish that the accident in question occurred almost in middle of the road as the bus driver had stopped the bus by leaving enough space on its left side, for the movement of other vehicles. In view of the same, the driver of Innova car could overtake the bus from its left side and in the process ran over the leg of the claimant.

11. Admittedly, the bus was a transport vehicle. The bus driver was supposed to stop the vehicle on the left side of the road so as to facilitate the passengers to board and de-board the bus. In the case on hand, the driver stopped the bus in middle of the road and allowed the passengers to alight from, and board the bus. Thereby, the negligence on the part of the bus driver is writ-large from the admissions and the materials available on record. Thereby, it was a clear case of composite negligence on the part of bus driver and the driver of Innova Car. Accordingly, the Tribunal rightly held that the accident in question occurred due to composite negligence of the drivers of both vehicles. In

the above circumstances, Point No.(i) is answered in the affirmative.

Point No.(ii) :

12. The Tribunal awarded a total compensation of Rs.18,36,447/- to the claimant under the following heads:

Sl.No.	Heads	Amount (Rs.)
1	Loss of Future Income	16,53,600.00
2	Pain and Sufferings	25,000.00
3	Conveyance, nourishment and attendant charges	20,000.00
4	Medical Expenses	64,847.00
5	Loss of Amenities in life	20,000.00
6	Loss of Income during laid up period	53,000.00
	Total compensation awarded :	18,36,447.00

13. The corporation has raised a contention that the compensation awarded by the Tribunal is on higher side. If we appreciate the materials on record in the background of the injuries sustained by the claimant, this Court does not find any force in such argument of the Corporation.

14. The claimant has contended that prior to the accident he was doing agriculture work and earning income of Rs.20,000/- per month. He further contended that due to the injuries sustained in the accident, he is not in a position to do even his routine work and thereby suffered loss of future income. The claimant was aged 46 years as on the date of accident. It is evident from the record that the claimant underwent above-knee amputation of his left leg as a direct consequence of the grievous injuries sustained in the accident. The Tribunal took functional disability suffered by the claimant on account of amputation as 80% to the whole body and awarded compensation of Rs.16,53,600/- (i.e, Rs.13,250/- X 12 X 13 X 80%) under the head of loss of future income. The Tribunal assessed loss of future income by taking notional income of the claimant as Rs.13,250/- per month, based on the chart of the KSLSA for settlement of the cases before the Lok-Adalath. It applied multiplier of 13 as the claimant was aged 46 years at the time of the accident. The Corporation has failed to point out any error committed by the Tribunal in arriving at this figure.

15. Similarly, the Tribunal awarded a sum of Rs.64,847/- under the head of medical expenses, Rs.53,000/- towards loss of

income during laid up period, Rs.25,000/- under the head of pain and sufferings and Rs.20,000/- each under the head of incidental charges and loss of amenities. The compensation awarded by the Tribunal under these heads is also just and reasonable. As such, Point No.(ii) is answered in the negative.

Point No.(iii) :

16. As already pointed out, the Tribunal directed the Corporation to satisfy the award subject to its right to recover 50% of the award amount from the owner/insurer of Innova Car, which was involved in the accident. Admittedly, the said Innova Car is not traced yet and as such, the details of the owner/insurer of the said vehicle are not known.

17. The Corporation has tried to dispute the liability of satisfying the entire award on the ground that the driver of the Innova car was also responsible for the accident and that the claimant has failed to implead the owner and insurer of the said vehicle in this proceeding. This contention of the Corporation is not sustainable, in view of settled legal position in **Khenyei's** case (referred supra). In this case, Hon'ble Supreme Court of India has held that in case of composite negligence, the entire

compensation can be awarded against sole impleaded tort-feasor and the victim can sue one of the joint tort-feasors, from whom entire compensation can be recovered. In view of the same, it is held that the Tribunal has not committed any error in directing the Corporation to satisfy entire award, subject to their right to recover 50% of the award amount from other joint tort-feasor. Hence, Point No.(iii) is answered in the negative.

18. In the result, this Court proceeds to pass the following:

ORDER

- i) The appeal is dismissed.
- ii) Consequently, the judgment and award dated 03.12.2024 passed in MVC No.238/2020 by learned Senior Civil Judge and Additional M.A.C.T., Koppal is confirmed.
- iii) The office is directed to transmit any amount deposited before this Court to concerned Tribunal along with trial court record, forthwith.

iv) Draw an award accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

VB/CKK/YAN