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. 102364 OF 2024 (MV-D)
C/W
MFA NO. 102358 OF 2024 (MV-D),
MFA NO. 102359 OF 2024 (MV-D)

IN MFA NO.102364 OF 2024:
BETWEEN:

THE MANAGING DIRECTOR,
NWKSRTC, CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI, BAGALKOT DIVISION,
REP. BY ITS AUTHORIZED OFFICER,
DIVISIONAL CONTROLLER, NWKSRTC,
BAGALKOT DIVISION, BAGALKOT.

(OWNER AND INSURER OF NWKSRTC BUS BEARING
REG. NO.KA-29/F-1357),
REPRESENTED BY CHIEF LAW OFFICER, NWKRTC,
CENTRAL OFFICE, HUBBALLI.

... APPELLANT

(BY SRI S.C. BHUTI, ADVOCATE)

AND:

1. SMT. REKHA W/O SHRIPATI KAMBLE,
   AGE. 54 YEARS, OCC. HOUSEHOLD WORK,

2. SHRI SHRIPATI S/O PUNDALIK KAMBLE,
   AGE. 61 YEARS, OCC. AGRICULTURE,

3. KUMAR SURESH S/O SHRIPATI KAMBLE,
   AGE. 26 YEARS, OCC. STUDENT,

4. KUMARI ANNAPOORNA D/O SHRIPATI KAMBLE,
AGE. 21 YEARS, OCC. STUDENT,

ALL RESPONDENTS ARE R/O. HAL SHIRAGUR,
TAL. RAIBAG, DIST. BELAGAVI-591 311.

... RESPONDENTS

(BY SRI ASHOK A. NAIK, ADVOCATE FOR R1 TO R4)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, AT: RAIBAG IN MVC NO.953/2023 DATED 30.01.2024, IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.102358 OF 2024:
BETWEEN:

THE MANAGING DIRECTOR,
NWKSRTC CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI, BAGALKOT DIVISION,
REP. BY ITS AUTHORIZED OFFICER,
DIVISIONAL CONTROLLER, NWKSRTC,
BAGALKOT DIVISION, BAGALKOT.

(OWNER AND INSURER OF NWKSRTC BUS
BEARING REG. NO.KA-29/F-1357),

REPRESENTED BY CHIEF LAW OFFICER, NWKRTC,
CENTRAL OFFICE, HUBBALLI.

... APPELLANT

(BY SRI S.C. BHUTI, ADVOCATE)

AND:

1. SMT. SHEELA W/O BHAGAVANT KAMBLE,
AGE. 39 YEARS, OCC. HOUSEHOLD WORK,

2. KUMAR SAKKUBAI D/O BHAGAVANT KAMBLE,
AGE. 24 YEARS, OCC. HOUSEHOLD WORK,

3. KUMAR. SHIVANAND S/O BHAGAVANT KAMBLE,
AGE. 22 YEARS, OCC. STUDENT,

4. KUMAR. RAHUL S/O BHAGAVANT KAMBLE,
AGE. 19 YEARS, OCC. STUDENT,

ALL RESPONDENTS ARE R/O. HAL SHIRAGUR,
TAL. RAIBAG, DIST. BELAGAVI-591 311.

... RESPONDENTS

(BY SRI ASHOK A. NAIK, ADVOCATE FOR R1 TO R4)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, AT: RAIBAG IN MVC NO.846/2023 DATED 30.01.2024 IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.102359 OF 2024:
BETWEEN:

THE MANAGING DIRECTOR,
NWKSRTC CENTRAL OFFICE, GOKUL ROAD, HUBBALLI,
BAGALKOT DIVISION, REP. BY ITS AUTHORIZED OFFICER,
DIVISIONAL CONTROLLER, NWKSRTC,
BAGALKOT DIVISION, BAGALKOT,

(OWNER AND INSURER OF NWKSRTC BUS
BEARING REG. NO.KA-29/F-1357),

REPRESENTED BY CHIEF LAW OFFICER, NWKRTC,
CENTRAL OFFICE, HUBBALLI.

... APPELLANT

(BY SRI S.C. BHUTI, ADVOCATE)

AND:

1. SMT NEHA W/O KUMAR KAMBLE,
AGE. 25 YEARS, OCC. HOUSEHOLD WORK,
R/O. HAL SHIRAGUR, TAL. RAIBAG,
DIST. BELAGAVI-591 311.

2. KUMARI SHRUTI D/O KUMAR KAMBLE,
AGE. 12 YEARS, OCC. STUDENT,

3. KUMARI AMRUTA D/O KUMAR KAMBLE,
AGE. 10 YEARS, OCC. STUDENT

4. KUMARI. SHIVANI D/O KUMAR KAMBLE,
AGE. 08 YEARS, OCC. STUDENT,

5. KUMAR. SIDDARTH S/O KUMAR KAMBLE,
AGE. 06 YEARS, OCC. STUDENT,

6. KUMARI. PAYAL D/O KUMAR KAMBLE,
AGE. 04 YEARS, OCC. STUDENT,

SINCE RESPONDENTS NO.2 TO 6 ARE MINORS
REPRESENTED BY THEIR NATURAL MOTHER
M/G SMT. NEHAL W/O KUMAR KAMBLE,
R/O. HAL SHIRAGUR, TAL. RAIBAG,
DIST. BELAGAVI-591 311.

7. SHRI BAVUSAB S/O TUKARAM KAMBLE,
AGE. 69 YEARS, OCC. NIL,
R/O. HAL SHIRAGUR, TAL. RAIBAG,
DIST. BELAGAVI-591 311.

8. SMT. KASHAVVA W/O BAVUSAB KAMBLE,
AGE. 64 YEARS, OCC. HOUSEHOLD WORK,
R/O. HAL SHIRAGUR, TAL. RAIBAG,
DIST. BELAGAVI-591 311.

… RESPONDENTS

(BY SRI ASHOK A. NAIK, ADVOCATE FOR R1 TO R7 AND R8;
R2 TO R6 ARE MINORS R/BY R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, AT: RAIBAG IN MVC NO.847/2023 DATED 30.01.2024 IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS ARE COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 25.02.2026, 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)

The Managing Director, North Western Karnataka Road Transport Corporation (NWKRTC), Bagalkot, (hereinafter referred as 'the Corporation') has preferred these appeals, aggrieved by the judgments and awards dated 30.1.2024 passed by learned Senior Civil Judge & MACT, Raibag in MVC Nos. 953/2023, 846/2023, and 847/2023.

2. These claim petitions were filed by the legal representatives of deceased, namely Sri Kumar Vishwanath Shripati Kamble in MVC No.953/2023, Sri Bhagavant Shivarayi Kamble in MVC No.846/2023, and Sri Kumar Bahusab Kamble in MVC No.847/2023, respectively.

3. All these claim petitions were filed under Section 166 of Motor Vehicles Act, seeking compensation for the death of aforementioned deceased persons in a road traffic accident that occurred on 18.03.2023.

2. The case of the claimants is that on 18.03.2023 at about 8:55 a.m., the deceased persons, namely Sri Kumar Vishwanath Shripati Kamble, Sri Bhagavant Shivarayi Kamble, and Sri Kumar Bahusab Kamble, were proceeding on motorcycle bearing No.KA-23-EP-1552 from Hal-Shiragur towards Miraj along Kudachi-Harogeri Road. Near Hal-Shiragur Cross, within the limits of Suttatti Village, the driver of bus No.KA-29-F-1357, belonging to the Corporation, drove at excessive speed from the Kudachi side, in violation of traffic rules, and dashed into the motorcycle. Consequently, Sri Kumar Vishwanath Shripati Kamble and Sri Bhagavant Shivarayi Kamble died on the spot, while Sri Kumar Bahusab Kamble succumbed to his injuries en route to the hospital. The claimants have thus sought compensation from the bus owner, i.e., the Corporation.

3. Upon service of notice, the Corporation entered appearance through counsel, filed objections denying liability, and contested the claim petitions on merits. The Tribunal, after evaluating the evidence, held the bus driver solely negligent for the accident. It awarded compensation of Rs.36,08,851/-, Rs.30,32,376/-, and Rs.39,59,280/- to the claimants in MVC Nos. 953/2023, 846/2023, and 847/2023 respectively together with interest at 6% per annum from the date of petition till realization. Aggrieved by these judgments and awards, the Corporation has preferred these appeals.

4. During pendency of these appeals, the Corporation filed separate applications under Order XLI Rule 27 read with Section 151 of the Code of Civil Procedure, 1908, seeking leave to produce additional documents and adduce evidence thereon. Learned Counsel for the Claimants submitted no objection to allow these applications and look into the additional documents for the purpose of adjudication of these appeals. This Court, being satisfied as to the relevancy and necessity of additional

documents for effective disposal of these appeals, in the interest of justice allowed the applications.

5. Sri S.C. Bhuti, learned Counsel for Corporation, vehemently submitted that the deceased were travelling on a motorcycle at the time of the accident, constituting a triple ride. He accordingly contended that contributory negligence must be presumed, at least on the part of the rider. He further urged that the claimants had misstated the ages of the deceased to inflate the compensation claim. Additionally, he argued that the Tribunal erred in granting inflated compensation in the absence of cogent evidence regarding the actual income of the deceased.

6. Per contra, learned Counsel for the Claimants defended the Tribunal's findings and sought affirmation of the impugned judgment and award, contending that the Corporation had failed to establish any tenable ground for interference.

7. Having heard the learned Counsels for the parties and perused the impugned judgment and award along with the record, the following points arise for determination by this Court:

i) Whether the rider of motorcycle contributed to the accident by undertaking a triple ride?

ii) Whether the Corporation has established valid grounds to interfere with or modify the compensation awarded by the Tribunal, particularly having regard to the age of the deceased persons?

Point No.(i)

8. Undisputedly, on 18.03.2023 at about 08.55 a.m., when the deceased persons were travelling in a motorcycle bearing No.KA-23-EP-1552 from Hal Shiragur to Miraj on Kudachi-Harugeri Road, near Hal Shiragur Cross, they met with an accident involving bus bearing No.KA-29-F-1357. The Tribunal, based on materials available on record such as FIR, Complaint, Crime Details Form comprising of spot sketch and photos, IMV Report and Charge Sheet, attributed negligence to driver of the bus.

9. It is true that the Corporation, in its objections, not only denied negligence on the part of the bus driver but also pleaded that the motorcycle rider was solely responsible for the accident, having abruptly emerged from a sub-road and collided with the bus.

However, the jurisdictional police, upon investigation, filed a charge sheet against the bus driver under Sections 279 (rash and negligent driving) and 304A (causing death by negligence) of the Indian Penal Code, 1860, a circumstance that remains un-rebutted. Notably, the Corporation failed to examine the bus driver as a witness to substantiate its version of events. Consequently, it has not discharged the burden of rebutting the claimants' evidence, including the unchallenged rash and negligent driving of the bus.

10. In these appeals, the Corporation's primary contention is that the triple riding by the three deceased on the motorcycle, contrary to Section 128 of the M.V.Act, warrants apportioning 50% contributory negligence to the rider. While triple riding undoubtedly constitutes a traffic violation. However, the material on record including the charge sheet and panchnama, discloses no causal nexus between such violation and the accident. The collision stemmed squarely from the bus driver's negligence. In the aforesaid circumstances, the Tribunal's finding, holding the bus driver solely responsible for the accident, is affirmed.

Point No.(i) is accordingly answered in the negative and against the Corporation.

Point No.(ii)

11. The Tribunal arrived at total compensation in MVC No.953/2023 under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	34,58,851.00
2.	Loss of consortium	1,20,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**36,08,851.00**

12. The Tribunal calculated compensation under the head loss of dependency based on following factors:

Sl.No.	Factors	
1.	Age of the deceased	24 years [Based on P.M report marked at Ex.P5]
2.	Multiplier	18 [As per Sarla Verma's Case]
3.	Notional income	Rs.15,250/- per month [As per chart of KSLSA]
4.	Deduction	Rs.3,812/- [1/4^{th} of Rs.15,250/-]

5.	Loss of dependency	Rs.24,70,608/- [Rs.11,438/- X 12 X 18]
6.	Future Prospectus	9,88,243/- [40% of Income as Pranay Sethi's Case]

13. The Corporation contends that the claimants overstated the deceased's age to inflate compensation. In support of this contention, they have produced two additional documents before this Court i.e., true copies of Transfer Certificate and Aadhaar Card of the deceased bearing No.9053 4168 2677. In these documents date of birth of the deceased namely Sri Vishwanath Sripathi Kambale is shown as 01.11.1993. Thereby it becomes clear that he was aged 29 years as on the date of the accident i.e, 18.3.2023.

14. The appropriate multiplier for age between 26 to 30 years is '17', as standardized in **Sarla Verma & Ors. Vs Delhi Transport Corporation**, reported in **(2009) 6 SCC 121**. Future prospects - 40% addition for self-employed deceased below 40 years, and conventional heads i.e, loss of estate, consortium, funeral expenses, adhere to decision in **National Insurance Company Vs.**

Pranay Sethi, reported in **(2017) 16 SCC 680.** On re-calculation of compensation under the head of loss of dependency, it works out to Rs.23,33,352/- (Rs.11,438/- X 12 X 17) and addition of future prospectus comes to Rs.9,33,341/-.

15. Thus, total compensation payable to the claimants in MVC No.953/2023 would be **Rs.34,16,693/-** in place of Rs.36,08,851/- awarded by the Tribunal, under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	23,33,352.00
2.	Future Prospectus	9,33,341.00
2.	Loss of consortium	1,20,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**34,16,693.00**

16. The Tribunal awarded a total compensation of Rs.30,32,376/- in MVC No.846/2023 under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	28,82,376.00
2.	Loss of consortium	1,20,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**30,32,376.00**

17. The Tribunal calculated compensation under the head loss of dependency based on following factors:

Sl.No.	Factors	
1.	Age of the deceased	39 years [Based on P.M report marked at Ex.P5]
2.	Multiplier	15 [As per Sarla Verma's Case]
3.	Notional income	Rs.15,250/- per month [As per chart of KSLSA]
4.	Deduction	Rs.3,812/- [1/4th of Rs.15,250/-]
5.	Loss of dependency	Rs.20,58,840/- [Rs.11,438/- X 12 X 15]
6.	Future Prospectus	8,23,536/- [40% of Income as Pranay Sethi's Case]

18. The Corporation contends that the claimants overstated the deceased's age to inflate compensation. In support of this contention, they have produced two additional documents before this Court i.e., true copies of School Certificate and Aadhaar Card of the deceased bearing No.2416 8691 0023. In these documents date of birth of the deceased namely Sri Bhagavanth Shivaraya

Kamble is shown as 23.06.1977 and 01.06.1970 respectively. The entry in Aadhaar Card cannot be considered as proof of date of birth. However, same cannot be said in respect of entry in the School Certificate. Hence, based on the contents of School Certificate it is to be held that the deceased was aged 46 years as on the date of the accident i.e, 18.3.2023.

19. The appropriate multiplier for age between 46 to 50 years is '13', as standardized in **Sarla Verma's case** (referred supra). Further, percentage of future prospects to be added is 25% for self-employed deceased between 40 to 50 years. Compensation awarded by the Tribunal under conventional heads i.e, loss of estate, consortium, funeral expenses, adheres to decision in **Pranay Sethi's case** (referred supra). On re-calculation of compensation under the head of loss of dependency, it works out to Rs.17,84,328/- (Rs.11,438/- X 12 X 13) and addition of future prospectus comes to Rs.4,46,082/-.

20. Thus, total compensation payable to the claimants in MVC No.846/2023 would be **Rs.23,80,410/-**

in place of Rs.30,32,376/- awarded by the Tribunal, under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	17,84,328.00
2.	Future Prospectus	4,46,082.00
2.	Loss of consortium	1,20,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**23,80,410.00**

21. The Tribunal awarded a total compensation of Rs.39,59,280/- in MVC No.847/2023 under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	36,89,280.00
2.	Loss of consortium	2,40,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**39,59,280.00**

22. The Tribunal calculated compensation under the head loss of dependency based on following factors:

Sl.No.	Factors	
1.	Age of the deceased	24 years [Based on P.M report marked at Ex.P5]
2.	Multiplier	18 [As per Sarla Verma's Case]
3.	Notional income	Rs.15,250/- per month [As per chart of KSLSA]
4.	Deduction	Rs.3,050/- [1/5th of Rs.15,250/-]
5.	Loss of dependency	Rs.26,35,200/- [Rs.12,200/- X 12 X 18]
6.	Future Prospectus	10,54,080/- [40% of Income as Pranay Sethi's Case]

23. The Corporation contends that the claimants overstated the deceased's age to inflate compensation. In support of this contention, they have produced two additional documents before this Court i.e., true copies of School Certificate and Aadhaar Card of the deceased bearing No.9451 1728 1554. In these documents date of birth of the deceased namely Sri Kumar Bahusab Kamble is shown as 03.06.1984 and 01.01.1978 respectively. The entry in Aadhaar Card cannot be considered as proof of

date of birth. However, same cannot be said in respect of entry in the School Certificate. Hence, based on the contents of School Certificate it is to be held that the deceased was aged 39 years as on the date of the accident i.e, 18.3.2023.

24. The appropriate multiplier for age between 36 to 40 years is '15', as standardized in **Sarla Verma's case** (referred supra). Further, percentage of future prospects to be added is 40% for self-employed deceased below 40 years. Compensation awarded by the Tribunal under conventional heads i.e, loss of estate, consortium, funeral expenses, adheres to decision in **Pranay Sethi's case** (referred supra)**.** On re-calculation of compensation under the head of loss of dependency, it works out to Rs.21,96,000/- (Rs.12,200/- X 12 X 15) and addition of future prospectus comes to Rs.8,78,400/-.

25. Thus, total compensation payable to the claimants in MVC No.847/2023 would be **Rs.33,44,400/-** in place of Rs.39,59,280/- awarded by the Tribunal, under the following heads:

Sl.No.	Heads	Amount
1.	Loss of dependency	21,96,000.00
2.	Future Prospectus	8,78,400.00
2.	Loss of consortium	2,40,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
	Total :	**33,44,400.00**

Accordingly, Point No.(ii) is answered in the affirmative.

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

ORDER

i) The appeals in MFA Nos.102364/2024, 102358/2024 and 102359/2024 are allowed in part.

ii) The judgments and awards dated 30.1.2024 passed by learned Senior Civil Judge & MACT, Raibag in MVC Nos. 953/2023, 846/2023, and 847/2023 are modified.

iii) The Claimants in MVC Nos.953/2023, 846/2023 and 847/2023 are entitled for compensation of **Rs.34,16,693/-, Rs.23,80,410/- and Rs.33,44,400/- respectively**, together with interest at 6% per annum from the date of petition till its realization.

iv) The Corporation is directed to deposit entire compensation amount (minus the amount already deposited) before the Tribunal within a period of 90 days from this day.

v) The claimants are entitled to their share in the compensation amount proportionately and to its release in terms of the order of the Tribunal.

vi) The registry is directed to transmit amount in deposit in these appeals, if any, and trial court records to the Tribunal, forthwith.

vii) Draw modified awards accordingly.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

Vb/-Ckk
CT:BCK