

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. 102845 OF 2024 (MV-D)

C/W

MFA NO. 104687 OF 2024 (MV-D)

IN MFA NO.102845 OF 2024:

BETWEEN:

THE DIVISIONAL MANAGER,
N.W.K.S.R.T.C., BAGALKOT,
TQ. AND DIST. BAGALKOT.
(OWNER AND INSURER OF K.S.R.T.C.
BUS NO.KA-42/F-1045),
R/BY CHIEF LAW OFFICER,
NWKRTC, CENTRAL OFFICE, HUBBALLI.

... APPELLANT

(BY SRI S.C. BHUTI, ADVOCATE)

AND:

1. SMT. TUKKABAI W/O ANAND VATTANAVAR,
AGED ABOUT 41 YEARS, HOUSEHOLD,
2. KUMARI. AKSHATA D/O ANAND VATTANAVAR,
AGED ABOUT 17 YEARS, STUDENT,
3. KUMARI. ANJANA D/O ANAND VATTANAVAR,
AGED ABOUT 16 YEARS, STUDENT,
4. KUMARI ARATI D/O ANAND VATTANAVAR,
AGED ABOUT 14 YEARS, STUDENT,
5. KUMAR ANURAG S/O ANAND VATTANAVAR,
AGED ABOUT 13 YEARS, STUDENT,



6. KUMAR. ADARSH S/O ANAND VATTANAVAR,
AGED ABOUT 12 YEARS, STUDENT,

RESPONDENTS NO.2 TO 6 ARE MINORS
R/BY THEIR MINOR GUARDIAN MOTHER
RESPONDENT NO.1.

7. SMT. CHANDRAVVA W/O YALLAPPA VATTANAVAR,
AGED ABOUT 74 YEARS,

ALL RESPONDENTS ARE
R/O. NANDESHWAR,
TQ. ATHANI, DIST. BELAGAVI-591 240.

... RESPONDENTS

(BY SRI SANTOSH B. KANAL, ADVOCATE FOR R1 TO R7;
R2 TO R6 ARE MINORS R/BY R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR
VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND
AWARD DATED 03.10.2023 PASSED IN M.V.C. NO.2260/2022 ON
THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND
J.M.F.C., AND ADDL. MACT, AT: ATHANI, IN THE INTEREST OF
JUSTICE AND EQUITY.

IN MFA NO.104687 OF 2024:
BETWEEN:

1. SMT. TUKKABAI W/O ANAND VATTANAVAR,
AGE. 41 YEARS, OCC. HOUSEHOLD WORK,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.
2. KUMARI. AKSHATA D/O ANAND VATTANAVAR,
AGE. 17 YEARS, OCC. STUDENT,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.
3. KUMARI. ANJANA D/O ANAND VATTANAVAR,
AGE. 16 YEARS, OCC. STUDENT,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.

4. KUMARI. ARATI D/O ANAND VATTANAVAR,
AGE. 14 YEARS, OCC. STUDENT,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.
5. KUMAR. ANURAG D/O ANAND VATTANAVAR,
AGE. 13 YEARS, OCC. STUDENT,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.
6. KUMAR. ADARSH D/O ANAND VATTANAVAR,
AGE. 12 YEARS, OCC. STUDENT,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.

(APPELLANT NO.2 TO 6 ARE MINORS
REPRESENTED BY THEIR MINOR GUARDIAN
MOTHER APPELLANT NO.1).

7. SMT. CHANDRAVVA W/O YALLAPPA VATTANAVAR,
AGE. 74 YEARS, OCC. HOUSEHOLD,
R/O. NANDESHWAR-591 240,
TAL. ATHANI, DIST. BELAGAVI.

... APPELLANTS

(BY SRI SANTOSH B. KANAL, ADVOCATE)

AND:

THE DIVISIONAL MANAGER,
N.W.K.S.R.T.C., BAGALKOT,
TAL. AND DIST. BAGALKOT.
(OWNER AND INSURER OF
K.S.R.T.C. BUS NO.KA-42/F-1045).

... RESPONDENT

(BY SRI S.C. BHUTI, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR
VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND
AWARD DATED 03.10.2023, PASSED IN M.V.C. NO.2260/2022
ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND

J.M.F.C., AND ADDITIONAL MACT, AT: ATHANI, BY ENHANCING THE COMPENSATION AS PRAYED FOR IN THE CLAIM PETITION BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS ARE COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.02.2026, 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 appeals - MFA No.102845/2024 (by Respondent, NWKSRTC's Divisional Manager, Bagalkot) and MFA No.104687/2024 (by Claimants) arise from the judgment and award dated 3.10.2023 in MVC No.2260/2022 on the file of learned Additional Senior Civil Judge and JMFC and Additional MACT, Athani (hereinafter referred as 'the Tribunal').

2. The Respondent challenges the full negligence attribution to the bus driver and the compensation quantum as excessive, while Claimants seek enhancement deeming it inadequate.

3. The wife, the children and the mother of Sri Anand S/o Yellappa Vattennavar maintained a claim petition in MVC No.2260/2022 under Section 166 of the Motor Vehicles Act seeking compensation of Rs.50,00,000/- from the Respondent on the ground that on 5.10.2022 Sri Anand met with a road traffic accident due to actionable negligence on the part of the driver of the KSRTC bus bearing No.KA-42-F-1045, due to which he succumbed to the injuries sustained in the said incident. The Respondent contested the petition by filing their objection and by adducing evidence. After contest, the Tribunal allowed the claim petition in part holding that the Claimants are entitled for compensation of Rs.27,94,000/- together with interest at the rate of 6% p.a. from the date of petition till its realization. Being aggrieved by the said judgment and award, both the claimants and the respondent have come up with these appeals.

4. Sri S.C.Bhuthi, learned Counsel for the Respondent, vehemently urged this Court to set aside the impugned judgment and award on the ground that the Tribunal committed a patent error by attributing 100%

negligence to the bus driver, wholly overlooking the deceased's contributory negligence in the accident. In support, he highlighted that the jurisdictional police filed a charge sheet implicating both the deceased - motorcyclist and the bus driver, thereby establishing concurrent culpability. Furthermore, the deceased rode the motorcycle without a helmet, lacked a valid driving license, and he was driving under the influence of alcohol exceeding the permissible limit. These lapses, he argued, unequivocally demonstrate the deceased's negligent conduct, warranting apportionment of liability. The Tribunal's failure to consider this uncontroverted evidence renders the award perverse, unsustainable in law, and liable to be quashed.

5. On the other hand, Sri Santhosh B. Kannal, learned Counsel for the Claimants supported the findings recorded by the Tribunal in so far as fastening entire negligence on the driver of the bus and sought for enhancement of the compensation on the ground that the Tribunal has erred in arriving at a just and proper compensation having regard to the facts and circumstances of the case.

6. In the light of the arguments canvassed before the Court, the following points would arise for our consideration:

- i) Whether the deceased had contributed for the accident? If so, to what extent?
- ii) Whether the Claimants have made out valid ground to seek enhancement of the compensation?

Point No.(i):

7. Admittedly, on 05.10.2022 at about 3.30 p.m. when the deceased was proceeding in a motor cycle bearing No.KA-48-Y-9183, from Satti Village to his house at Rehabilitation Centre in Satti Village with a pillion rider, near milk dairy of one Sri Yallatti, located within the limits of Satti village, he met with a road traffic accident involving a KSRTC Bus bearing No.KA-42-F-1045. The Tribunal, based on the materials available on record such as registration of a case against the driver of the bus, spot mahazar marked at Ex.P3, the photograph marked at Ex.P5, and the charge sheet produced at Ex.P9 and appreciating other materials on record, held that the driver of the bus was solely responsible for the accident.

8. As contended by the Respondent, the materials on record clearly indicate that the deceased was not wearing a helmet at the time of the accident and he was not holding a driving license to ride the motorcycle. Apart from the above, the contents of the charge sheet, produced at Ex.P9, go to show that the deceased was under intoxication. However, the material question would be whether these aspects are sufficient to prove the negligence or contributory negligence on the part of the deceased. Based on the materials available on record this question needs to be answered in the negative.

9. It is because admittedly the jurisdictional police have filed the charge sheet against the bus driver for the offences under Sections 279, 338 and 304A of IPC. Whereas, the deceased was charge sheeted only for the offences under Sections 3 read with 181, 146 read with 196, and 185 read with 129 of the Motor Vehicles Act. Thereby it becomes clear that as per the charge sheet, the bus driver was solely responsible for the accident. Further, the other materials available on record even probalilise this aspect. Undisputedly, the vehicles in question were moving in opposite directions at the relevant time. As per the rough sketch marked at Ex. P4, the accident occurred

on the right side of the road from Jamakhandi to Satti Village. The said document makes it clear that the bus had travelled beyond the mid-line of the road to an extent of about 6 feet into the opposite lane. The place of accident was at a distance of 3 feet from the edge of the road.

10. In our considered view, none of the factors such as not wearing a helmet, not holding a driving license to ride the motorcycle, or consumption of alcohol by the rider of the motorcycle, has in any way contributed to the accident. This is because the rough sketch marked at Ex. P4 depicts the deceased riding on the extreme left side of the road, 3 feet from the edge, with full 15 feet width of road available on his right. This unchallenged documentary evidence irrefutably demonstrates that the bus driver intruded into the deceased's lane, resulting in the accident. The Tribunal was thus perfectly justified in holding the bus driver solely liable for the accident, and accordingly, Point No.(i) answered in the negative.

Point No.(ii):

11. The Tribunal, vide impugned judgment, awarded a compensation of Rs. 27,94,000/- to the Claimants together with

interest at the rate of 6% per annum from the date of petition till the date of its realization. It arrived at the quantum of compensation, in the following manner:

a	Monthly Income (Notional Income based on HCLSA Chart)	Rs.14,750/-
b	Age of the deceased	45 years
c	Multiplier	14
d	Annual income of the deceased (Rs.14,750/-X12)	Rs.1,77,000/-
e	Total income after addition of future prospects as per the decisions in Pranay Sethi's case and Kirti's case i.e., Rs.1,77,000/- plus Rs.44,250/- (Additional of 25%)	Rs.2,21,250/-
f	Amount after deduction of 1/5 th portion of the income towards personal expenses of the deceased (dependents 7 in numbers) as per the guidelines in Sarla Verma's case i.e., Rs.2,21,250/- minus Rs.44,250/-	Rs.1,77,000/-
Sl. No.	Head of Compensation	Amount
1	Loss of dependency on applying multiplier '14' (in rupees) Rs.1,77,000/- X 14	24,78,000.00
2	Loss of Estate	15,000.00
3	Loss of consortium- a) Spousal : Rs. 40,000/- b) parental : Rs.2,00,000/- c) Filial : Rs. 40,000/-	2,80,000.00
4	Funeral expenses	15,000.00

5	10% escalation as per Pranay Sethi's case	31,000.00
6	Total compensation awarded after deducting Rs.25,000/- received by the Claimants as interim compensation	27,94,000.00
7	Interest on award amount at the rate of 6% p.a. from the date of petition till its realization	

12. The Claimants have sought for enhancement of the compensation awarded by the Tribunal on the ground that it has erroneously taken notional income of the deceased based on HCLSA Chart, though he was earning a sum of Rs.30,000/- per month as coolie and Rs.5,00,000/- per annum from agriculture. They contended that the Tribunal ought to have taken the monthly income of the deceased as Rs.50,000/-. However, admittedly they have not produced any evidence on record to prove the actual income of the deceased. In the said circumstances, the Tribunal proceeded to assume income of the deceased notionally as Rs.14,750/- per month based on HCLSA chart prepared for settlement of the cases before the Lok-Adalath and then, relying on the decisions in Pranay Sethi's case and Keerti's case, added 25% of the notional income towards his future prospects, for the purpose of arriving at effective notional income i.e, Rs.18,437/- (Rs.14,750/- + Rs.3,687/-). Further, the

Tribunal has adopted the multiplier of '14' on the ground that the deceased was aged 45 years as on the date of accident. The Tribunal has deducted only 1/5th portion of the income towards personal expenses of the deceased taking into consideration number of his dependents. In view of the same, the quantum of compensation determined by the Tribunal under the head of loss of dependency is retained.

13. Under the conventional heads, the Tribunal has awarded a sum of Rs. 16,500/- (i.e., Rs.15,000/- plus 10% escalation) each under the head of funeral expenses and loss of estate, and Rs.3,08,000/- (i.e., Rs.2,80,000/- plus 10% escalation) under the head of consortium to the claimants in view of the principles laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd Vs Pranay Sethi** reported in **(2017) 16 SCC 680** and **Magma General Insurance Co. Ltd Vs Nanu Ram @ Chuhru Ram** reported in **(2018) 18 SCC 130**. Thereby, it becomes clear that the Tribunal has awarded just and reasonable compensation to the claimants on all relevant heads. In view of the same, it is held that the claimants have failed to make out any valid ground to seek enhancement the compensation awarded by the Tribunal.

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

ORDER

- a. The appeals in MFA Nos.102845/2024 and 104687/2024 filed by the Divisional Manager, NWKRTC, Bagalkot and the Claimants respectively are dismissed.
- b. Consequently, the judgment and award dated 3.10.2023 passed in MVC No.2260/2022 by learned Additional Senior Civil Judge and JMFC & Additional MACT, Athani is confirmed.
- c. Office is directed to transfer the amount deposited before this Court, if any, to the Tribunal and return the trial court record, forthwith.
- d. Draw an award accordingly.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE