



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MISCELLANEOUS FIRST APPEAL NO. 103088/2024 (MV-D)

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-1392)

R/BY CHIEF LAW OFFICER, NWKRTC,
CENTRAL OFFICE, HUBBALLI.

... APPELLANT

(BY SRI. S. C. BHUTI, ADVOCATE)

AND:

1. SMT. RENUKA
W/O. RAJASHEKHAR PATROT,
AGE: 34 YEARS,
OCC: HOUSEHOLD WORK,
R/O: DEAPURHATTI, TQ: RAIBAG,
DIST: BELAGAVI – 591 317.





NC: 2026:KHC-D:2998-DB
MFA No. 103088 of 2024

2. KUMARI. KOMALA
D/O. RAJASHEKHAR PATROT,
AGE:18 YEARS, OCC: NIL,
R/O: DEAPURHATTI, TQ: RAIBAG,
DIST: BELAGAVI - 591 317.
3. KUMAR. BASAVARAJ
S/O. RAJASHEKHAR PATROT,
AGE: 16 YEARS, OCC: STUDENT,
SINCE MINOR REPT. BY
HIS NATURAL MOTHER
SMT. RENUKA
W/O. RAJASHEKHAR PATROT,
R/O: DEAPURHATTI, TQ: RAIBAG,
DIST: BELAGAVI - 591 317.
4. SMT. SHANTAVVA
W/O. SHIVAPPA PATROT,
AGE: 54 YEARS,
OCC: HOUSEHOLD WORK,
R/O: DEAPURHATTI, TQ: RAIBAG,
DIST: BELAGAVI - 591 317.

... RESPONDENTS

(BY SRI. ASHOK A. NAIK, ADV. FOR R1 TO R4;
R3 IS MINOR REP. 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 MACT, AT RAIBAG IN MVC NO.1294/2022 DATED 31.01.2024 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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



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

ORAL JUDGMENT

(PER: HON'BLE MR.. JUSTICE M.I.ARUN)

Aggrieved by the judgment and award dated 31.01.2024 passed in M.V.C. No.1294/2022 by the Senior Civil Judge and Motor Accident Claims Tribunal, Raibag (for short, 'the Tribunal'), the respondent therein has preferred this appeal.

2. On 10.06.2022 at about 2.50 p.m., the deceased was returning from Handigund to Kankanwadi on his motorcycle bearing the registration No.KA-23/ET-3983 on Mudhol-Nippani road. At that time, he met with an accident with a bus belonging to the appellant bearing registration No.KA-29/F-1392. The accident happened on the middle of the road and it resulted in the death of the deceased on the spot.

3. The respondent No.1 is the wife, respondents No.2 and 3 are the children, and respondent No.4 is the



mother of the deceased. They preferred a claim petition – M.V.C. No.1294/2022. The Tribunal, based on the evidence let in, has come to the conclusion that the accident happened due to rash and negligent driving of the driver of the bus and has awarded compensation as follows:

1.	Loss of dependency	Rs.	29,73,734.00
2.	Loss of consortium	Rs.	1,60,000.00
3.	Loss of Estate	Rs.	15,000.00
4.	Funeral expenses	Rs.	15,000.00
Total compensation		Rs.	31,63,734.00

The same is ordered to be paid along with an interest at the rate of 6% per annum from the date of petition till its realization.

4. Aggrieved by the said judgment and award, the respondent therein has preferred this appeal.

5. Though several contentions are urged on behalf of the appellant, in the course of the arguments, the counsel for the appellant fairly submits that he intends to limit his prayer to the contributory negligence on the part of the rider of the motorcycle which led to the accident. He



submits that the records reveal that the accident occurred due to negligence both on the part of the driver of the bus as well as the rider of the motorcycle. Reliance is placed on Exs.P.3, P.4, P.5 and P.7 which are spot panchnama, hand sketch map, Postmortem report and the charge sheet respectively. Ex.P.4 reveals that the accident happened in the middle of the road. Ex.P.7 is the charge sheet filed against both the driver of the bus as well as the rider of the motorcycle. Ex.P.5 reveals that the death took place due to injury to the head of the rider of the motorcycle. The charge sheet also reveals that the rider of the motorcycle did not wear the helmet, he did not had the necessary license, and that the motorcycle also was not insured.

6. The counsel for respondents/claimants is not in a position to dispute the aforementioned facts, and he candidly admits to the same.

7. Law requires a person to wear a helmet when he is riding a two wheeler. If the vehicle is not insured, a



reasonable prudent man should not be plying it on the road. In the instant case, the death has occurred due to the negligence on the part of the rider of the motorcycle by not wearing a helmet. Further, the accident had taken place in the middle of the road. It reveals negligence on the part of the rider of the motorcycle also, which aspect has been ignored by the Tribunal.

8. Under the given facts and circumstances of the case, we are inclined to attribute contributory negligence against the rider of the motorcycle cycle to an extent of 15%.

9. The amount of compensation quantified on the head of 'loss of consortium', 'loss of estate' and 'funeral expenses' is not disputed by either of the parties and both of them fairly submit the same to be correct. In respect of 'loss of dependency', both parties admit that the income, multiplier and future prospects taken into consideration by the Tribunal is correct. Under the said circumstances, as



15% contributory negligence is attributed to the rider of the motorcycle, the compensation awarded by the Tribunal towards 'loss of dependency' is to be reduced by 15% which will come to Rs.25,27,674/- as against Rs.29,73,734/-. Hence, the total compensation payable by the appellant-insurance company will be as follows:

1.	Loss of dependency	Rs.	25,27,674/-
2.	Loss of consortium	Rs.	1,60,000/-
3.	Loss of Estate	Rs.	15,000/-
4.	Funeral expenses	Rs.	15,000/-
Total compensation		Rs.	27,17,674/-

Accordingly, the appellant is hereby held liable to pay to the respondents/claimants a sum of Rs.27,17,674/- with interest at the rate of 6% per annum from the date of petition before the Tribunal till realisation.

10. In view of the above, we pass the following:

ORDER

(i) The appeal is allowed in part.

(ii) The judgment and award dated 31.01.2024 passed in M.V.C. No.1294/2022 by the Senior



Civil Judge and the Motor Accident Claims Tribunal, Raibag, is hereby modified.

(iii) The appellant is hereby held liable to pay to the respondents/claimants a sum of Rs.27,17,674/- with interest at the rate of 6% per annum from the date of petition before the Tribunal till realization. The amount shall be paid within a period of six weeks from today.

(iv) The amount shall be paid to the respondents/claimants on such terms and proportion as determined by the Tribunal.

Amount in deposit before this Court shall be transmitted to the Tribunal for disbursement to the claimants therein.

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

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