

The Divisional Controller, vs Kumari. Vishalakshi D/O Kodeppa,

The Divisional Controller, vs Kumari. Vishalakshi D/O Kodeppa,

SooperKanoon Citation : sooperkanoon.com/1502875

Court : Karnataka Dharwad

Decided On : Feb-20-2026

Judge : K.Manmadha Rao

Appeal No. : MFA/100013/2017

Appellant : The Divisional Controller,

Respondent : Kumari. Vishalakshi D/O Kodeppa,

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 20TH DAY OF FEBRUARY, 2026 BEFORE THE HON'BLE DR. JUSTICE K.MANMADHA RAO MISCELLANEOUS FIRST APPEAL NO.100013 OF 2017 C/W MISCELLANEOUS FIRST APPEAL NO.100014 OF 2017, MISCELLANEOUS FIRST APPEAL NO.100015 OF 2017 IN MFA NO.100013/2017: BETWEEN: THE DIVISIONAL CONTROLLER, KSRTC, BALLARI DIVISION, BALLARI, REPRESENTED BY CHIEF LAW OFFICER, NEKRTC, CENTRAL OFFICE, KALABURAGI-585102. APPELLANT (BY SRI. S.C. BHUTI, ADVOCATE) AND:

1. KUMARI. VISHALAKSHI D/O KODEPPA,

AGE. 21 YEARS, OCC: MILK VENDOR, Digitally signed by R/O: HIREHEGDALU VILLAGE IN MOHANKUMAR KUDLIGI TALUK, BALLARI DISTRICT-583135. B SHELAR Location: High Court of Karnataka, 2. GALEPPA S/O SATYAPPA, Dharwad Bench AGE. 30 YEARS, DRIVER OF KSRTC BUS BEARING REGN.NO:KA.34/F.180, KUDLIGI DEPOT, RESIDENT OF KARIGANUR, HOSAPETE TALUK, BALLARI DISTRICT-583223. RESPONDENTS (R1 & R1-SERVED) THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE SENIOR CIVIL JUDGE CUM-MACT NO.VI AT KUDLIGI IN MVC -2- NO.522/2015 DATED 31.08.2016 IN THE INTEREST OF JUSTICE AND EQUITY. IN MFA NO.100014/2017: BETWEEN: THE DIVISIONAL CONTROLLER, KSRTC, BALLARI DIVISION, BALLARI, REPRESENTED BY CHIEF LAW OFFICER, NEKRTC, CENTRAL OFFICE, KALABURAGI-585102. APPELLANT (BY SRI. S.C. BHUTI, ADVOCATE) AND:

1. SMT. RENUKAMMA W/O C. KOTRAPPA, AGE. 38 YEARS, MILK VENDOR, R/O: HIREHEGADALU VILLAGE IN KUDLIGI TALUK, BALLARI DISTRICT-583135.

2. GALEPPA S/O SATYAPPA, AGE. 30 YEARS, DRIVER OF KSRTC BUS BEARING REGN.NO:KA.34/F.180, KUDLIGI DEPOT, RESIDENT OF KARIGANUR, HOSAPETE TALUK, BALLARI DISTRICT-583223. RESPONDENTS (R1 & R2-SERVED) THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE SENIOR CIVIL JUDGE CUM-MACT NO.VI AT KUDLIGI IN MVC NO.524/2015 DATED 31.08.2016 IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO.100015/2017: BETWEEN: THE DIVISIONAL CONTROLLER, KSRTC, BALLARI DIVISION, BALLARI, -3- REPRESENTED BY CHIEF LAW OFFICER, NEKRTC, CENTRAL OFFICE, KALABURAGI-585102. APPELLANT (BY SRI. S.C. BHUTI, ADVOCATE) AND:

1. ANJINAPPA S/O BASAPPA, AGE: 25 YEARS, MILK VENDOR AND AGRICULTURIST, R/O: HIREHEGADALU VILLAGE IN KUDLIGI TALUK, BALLARI DISTRICT-583135.

2. GALEPPA S/O SATYAPPA, AGE. 30 YEARS, DRIVER OF KSRTC BUS BEARING REGN.NO:KA-34/F.180, KUDLIGI DEPOT, RESIDENT OF KARIGANUR, HOSAPETE TALUK, BALLARI DISTRICT-583223.

RESPONDENTS (R1 & R2-SERVED) THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE SENIOR CIVIL JUDGE CUM- MACT NO.VI AT KUDLIGI IN MVC NO.526/2015 DATED 31.08.2016 IN THE INTEREST OF JUSTICE AND EQUITY. THESE MISCELLANEOUS FIRST APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO -4-

CAV JUDGMENT

1. MFA No.100013/2017, MFA No.100014/2017 and

MFA No.100015/2017 are filed by the appellant-KSRTC under Section 173(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as MV Act), challenging the common judgment and award dated 31/08/2016 passed by the Senior Civil Judge-cum- Member, MACT-VI, Kudligi, in M.V.C. Nos.522/2015, 524/2015 and 526/2015.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The facts leading to the filing of these appeals are

that, on 19/01/2003 at about 7.15 p.m., the claimants in M.V.C. Nos.522/2015, 524/2015 and 526/2015 were travelling in KSRTC Bus bearing No.KA-34/F-180. When the said bus reached near the land of Bandyappa, Kudligi Taluk, the driver allegedly drove the bus in a rash and negligent manner, lost control and the bus

fell into a ditch and turned turtle. Due to the said accident, the claimants sustained grievous injuries and were treated in Government Hospital, Kudligi and thereafter in private hospitals.

4. The claimants filed claim petitions seeking

compensation contending that they were milk vendors/coolies -5- earning about Rs.8,000/- per month and were disabled due to the injuries sustained in the accident.

5. The appellant-Corporation contested the petitions

contending that the accident occurred due to mechanical defect and not due to rash and negligent driving of the bus driver. It was further contended that the claim petitions were filed after about 12 years of the accident and disability certificates were obtained from non-treating doctors after considerable delay only to claim higher compensation.

6. The Tribunal, after considering oral and documentary

evidence, held that the accident occurred due to rash and negligent driving of the KSRTC bus driver and awarded compensation as under: In M.V.C. No.522/2015 - Rs.1,13,000/- In M.V.C. No.524/2015 - Rs.1,12,000/- In M.V.C. No.526/2015 - Rs.1,33,000/- with interest at 6% per annum from the date of petition till realization. -6-

7. Being aggrieved by the same, the Corporation has filed these appeals contending that the compensation awarded is excessive and the finding on negligence is erroneous.

8. Learned counsel for the appellant-Corporation

contended that the Tribunal failed to appreciate the evidence of RW1 (conductor) who stated that the accident occurred due to mechanical defect. He further submitted that the income of Rs.4,500/- per month taken by the Tribunal is excessive for the year 2003 and that the disability certificates issued after 10 years ought not to have been relied upon.

9. Per contra, learned counsel for the claimants supported the impugned award and contended that the compensation awarded is just and reasonable and does not warrant interference.

10. Heard the learned counsel for the appellant- Corporation and perused the records.

11. The occurrence of accident, negligence and fastening

of liability on the Corporation are not seriously disputed in these appeals. The only question that arises for consideration is with regard to quantum. The accident occurred in the year 2003. In the absence of documentary evidence regarding income, the -7- notional income has to be taken as per the chart prepared by the Karnataka State Legal Services Authority. For the year 2003, the notional income is Rs.3,250/- per month. The Tribunal has taken Rs.4,500/- p.m., which requires interference. Hence, income is reassessed at Rs.3,250/- p.m. as per the chart prepared by the Karnataka Legal Services Authority. Therefore, the reassessment of compensation under the head of future income comes as under: In MVC No.522/2015 = Rs.56,160/- ($\text{Rs.3,250/-} \times 12 \times 18 \times 8\%$) In MVC No.524/2015 = Rs.46,800/- ($\text{Rs.3,250/-} \times 12 \times 18 \times 8\%$) In MVC No.526/2015 = Rs.70,200/- ($\text{Rs.3,250/-} \times 12 \times 18 \times 10\%$) Other heads awarded by Tribunal are found to be just and proper. Accordingly, the reassessment of the compensation as per the Chart of the High Court Legal Services Authority is as under:

Sl.	Head of	In MVC	In MVC
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12. Considering the calculations, the claimant in MVC

No.522/2015 is entitled for total compensation of Rs.90,860/- -8- as against Rs.1,13,000/-, in MVC No.524/2015 the claimant is entitled for total compensation of Rs.81,121/- as against Rs.1,12,000/- and the claimant in MVC No.526/2015 is entitled for total compensation of Rs.1,05,544/- as against Rs.1,33,000/- with interest at 6% per annum from the date of petition till realization.

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

ORDER

i. MFA No.100013/2017, MFA No.100014/2017 and MFA No.100015/2017 are allowed in part. ii. The judgment and award dated 31.08.2016 passed in MVC Nos.522/2015, 524/2015 and VI, Kudligi are modified. iii. The claimant in MVC No.522/2015 is entitled for total compensation of Rs.90,860/- as against Rs.1,13,000/-, in MVC No.524/2015 the claimant is entitled for total compensation of Rs.81,121/- as against Rs.1,12,000/- and the -9- claimant in MVC No.526/2015 is entitled for total compensation of Rs.1,05,544/- as against Rs.1,33,000/- awarded by the Tribunal with interest at 6% per annum from the date of petition till realization. iv. The excess amount, if any, deposited shall be refunded to the appellant-Corporation. v. Amount in deposit shall be transmitted to the Tribunal for disbursement in accordance with law. vi. No order as to costs. Sd/- (DR. K.MANMADHA RAO) JUDGE KGK,CT:VP

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