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Jyothi vs the Divisional Controller

Jyothi vs the Divisional Controller

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Court : Karnataka

Decided On : Nov-28-2025

Judge : D K Singh,Rajesh Rai K

Appeal No. : MFA/10347/2018

Appellant : Jyothi

Respondent : The Divisional Controller

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF NOVEMBER, 2025 PRESENT THE HON'BLE MR. JUSTICE D K SINGH AND THE HON'BLE MR. JUSTICE RAJESH RAI K MISCELLANEOUS FIRST APPEAL NO. 10347 OF 2018 (MV-D) BETWEEN:

1. JYOTHI W/O LATE MOHANKUMAR, AGED ABOUT 32 YEARS

2. M.M.SACHIN

S/O LATE MOHAN KUMAR, AGED ABOUT 13 YEARS Digitally signed by PANKAJA S Location: HIGH 3. M.M.DARSHAN COURT OF KARNATAKA S/O LATE MOHAN KUMAR, AGED ABOUT 11 YEARS

4. BEEREGOWDA S/O LATE PUTTEGOWDA AGED ABOUT 65 YEARS

5. KERAGAMMA W/O BEEREGOWDA -2- AGED ABOUT 61 YEARS SINCE APPELLANT NOS.2 AND 3 ARE MINORS, REPRESENTED BY THEIR NATURAL GUARDIAN AND MOTHER 1ST APPELLANT, ALL ARE R/O AT MENAGANAHALLI KOPPALU VILLAGE & DAKHALE, HALLIMYSORE HOBLI, H.N.PURA TALUK, HASSAN DISTRICT-573 210 APPELLANTS

(BY SRI. MURTHY D L, ADVOCATE) AND: THE DIVISIONAL CONTROLLER KSRTC HASSAN DIVISION, HASSAN DISTRICT-573 201 RESPONDENT (BY SRI. F.S. DABALI, ADVOCATE) THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE

JUDGMENT AND AWARD DATED: 02.04.2016 PASSED IN MVC

NO.1344/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE & JMFC, MACT, HOLENARASIPUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: -3- CORAM: HON'BLE MR. JUSTICE D K SINGH and

HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. In respect of an accident, which is not in dispute and which has occurred on 19.07.2014, the Tribunal has awarded a sum of Rs.9,70,000/- as compensation for

the death of one Mohan Kumar.

2. The learned counsel for the claimants contended that though the accident has occurred solely due to the rash and negligent driving of the driver of the KSRTC bus, the Tribunal has erred in attributing 50% contributory negligence on the part of the rider of the motorcycle - deceased. He further contended that that the sums

awarded by the Tribunal under different heads are meager. He also contended that the Tribunal has not properly assessed the income of the deceased, who was doing business of domestic animals. As such, he prays to allow the appeal by enhancing the compensation. -4-

3. Per contra, learned counsel for the KSRTC contended that the Tribunal has rightly attributed 50% contributory negligence on the part of the deceased. He also contended that the sums awarded under different heads are exorbitant. As such, he prays to dismiss the appeal.

4. We have carefully perused the impugned award and also the Trial Court records.

5. The accident in question is not in dispute. However,

as regards the contributory negligence, since the spot mahazar and sketch along with photographs indicates the contributory negligence on the part of the rider of the motorcycle and that the claimants have failed to prove that the accident has occurred solely due to rash and negligent driving of the driver of the KSRTC bus, we are of the opinion that the Tribunal has rightly attributed 50% contributory negligence on the part of the rider of the motorcycle - deceased.

-5-

6. As regards quantum of compensation, since the

accident was of the year 2014, it would be appropriate to adopt the notional income determined by the Karnataka State Legal Services, which would be Rs.8,500/-. Since the deceased was aged 32 years as on the date of the accident and was self employed, 40% requires to be added towards future prospects and

the multiplier to be adopted is '16' and 1/4th requires to be deducted towards personal expenses. Thus, the claimants would be entitled to the loss of dependency at Rs.17,13,600/- (Rs.8,500 + 40% - 1/4 X 12 X 16).

7. The claimants, being the wife, children and parents of deceased, would be entitled to Rs.48,400/- each towards loss of consortium and Rs.36,300/- under conventional heads as per the judgment in the case of NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS - (2017) 16 SCC 680. -6-

8. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums: Sl. Amount Particulars (In Rs.)

1. Loss of Dependency 17,13,600

2. Loss of Consortium 2,42,000

3. Conventional Heads 36,300 Total 19,91,900

9. Thus, the claimants would be entitled for compensation of Rs.9,45,950/- (50% of Rs.19,91,900/-

and after deduction of Rs.50,000/- paid as interim compensation) along with interest at the rate of 6% per annum from the date of petition till its realization. However, the claimants are not entitled for interest for the delayed period as per order dated 19.06.2025. -7-

10. The KSRTC is directed to deposit the amount of compensation awarded within a period of two months from the date of receipt of a certified copy of this judgment.

11. The apportionment of compensation would be in terms of the award of the Tribunal.

12. Accordingly, the appeal of the claimants is allowed in part. SD/- (D K SINGH) JUDGE SD/- (RAJESH RAI K) JUDGE PKS List No.: 1 Sl No.: 19

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