



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**AND**

**THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA**

**MISCL. FIRST APPEAL NO.201877 OF 2025 (MV-D)**

**BETWEEN:**

THE MANAGING DIRECTOR,  
KKRTC, SARIGE SADAN,  
MAIN ROAD, KALABURAGI - 585 103.

...APPELLANT

(BY SRI. MAHANTESH PATIL, ADVOCATE)

**AND:**

1. SUNITA W/O LATE VINOD KUMAR MANE,  
AGE: 42 YEARS, OCC: HOUSEHOLD,
2. GOURISHANKAR S/O VINOD KUMAR,  
AGE: 10 YEARS, OCC: STUDENT,
3. LAKSHMINARAYANA S/O VINOD KUMAR,  
AGE: 14 YEARS, OCC: STUDENT,

BOTH U/G SUNITA W/O LATE VINOD KUMAR,  
MOTHER.

4. SHASHIKALA W/O BHIMRAO MORE,  
AGE: 62 YEARS, OCC: HOUSEHOLD,  
ALL R/O: PLOT NO.16,  
NEW VENKATESHWAR MANDIR,  
KALABURAGI - 585 103.

...RESPONDENTS

(BY SRI. SANJEEV PATIL, ADVOCATE FOR R1 TO R4;  
R2 AND R3 ARE MINORS U/G FOR R1)





THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 14.03.2025 IN MVC NO.1432/2024 PASSED BY THE LEARNED MOTOR ACCIDENT CLAIM TRIBUNAL (MACT) AND I ADDL. SENIOR CIVIL JUDGE KALABURAGI, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ  
and  
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The Kalyan Karnataka Road Transport Corporation (KKRTC) is before this Court seeking for the following reliefs:

*i. Wherefore, the appellant most humbly pray that this Hon'ble Court may kindly be pleased to set aside the judgment and award dated 14.03.2025 in MVC No.1432/2024 passed by the learned Motor Accident Claim Tribunal (MACT) & I Addl. Senior Civil Judge Kalaburagi, in the interest of justice and equity.*

2. The MACT and I Additional Senior Civil Judge, Kalaburagi, had allowed the claim petition by award dated 14.03.2025 in MVC No.1432/2024 and awarded a compensation of Rs.1,10,36,200/- with 6% interest per annum.



3. Sri.Mahantesh Patil, learned counsel for the appellant submits that the deceased himself was responsible for the accident inasmuch the deceased acted negligently by standing at the doorway of the bus, while the bus was within the city limits, despite the availability of empty seats and as such, he contends that the deceased was responsible for the incident and his death, and consequently, KKRTC could not be held liable to pay compensation.
4. It is in that background that the learned counsel for the appellant was called upon to verify and make his submission as to whether any disciplinary proceedings had been taken up by the KKRTC as regards the driver and/or the conductor of the bus in question.
5. Today, learned counsel for the appellant has filed a memo enclosing the Order dated 23.05.2024 passed by the disciplinary authority. A letter dated 23.03.2026 addressed by the Chief Law Officer of KKRTC to the counsel for the appellant is also enclosed therewith. As per the said letter, it is clear that the driver who was involved in the accident was working on contract basis and he has been removed from service on account of this accident. The



conductor has been imposed a punishment of withholding of one annual increment permanently.

6. The action initiated by the Road Transport Corporation, namely Kalyana Karnataka Road Transport Corporation, against its driver and conductor arises out of the very same accident in which the death of the deceased occurred. The Corporation, having conducted disciplinary proceedings and having recorded a finding of culpability against its employees, culminating in orders of removal from service or withholding of increment, cannot now be permitted to contend that the deceased himself was negligent and that such alleged negligence was the proximate cause of his death.
7. Such a stand is inherently contradictory and legally impermissible. It is a settled principle that a party cannot be permitted to approbate and reprobate. A party cannot "blow hot and cold" by taking inconsistent stands to suit its convenience, such inconsistent pleas are impermissible in law.
8. More importantly, the appellant-Corporation, being an instrumentality of the State within the meaning of Article 12 of the Constitution of India, is held to a



higher standard of fairness and consistency. Its actions must conform to the mandate of Article 14, which strikes at arbitrariness in State action. The attempt to attribute negligence to the deceased, despite having already fixed responsibility on its own employees in departmental proceedings, is therefore liable to be rejected as arbitrary and untenable.

9. The conduct of the Corporation in filing the present appeal on 09.06.2025, despite having passed orders of removal against the driver and conductor on 05.07.2023 and 23.05.2024 respectively, raises serious concerns. These material facts, which go to the root of the matter, were neither placed before the Motor Accident Claims Tribunal nor disclosed before this Court at the earliest opportunity. Instead, the Corporation has proceeded on a plea that there was no negligence on its part or on the part of its employees, while simultaneously maintaining disciplinary findings to the contrary.
10. Such suppression of material facts and adoption of mutually destructive stands strikes at the sanctity of judicial proceedings. A litigant who approaches the Court must do so with clean hands and must disclose all material facts, failing which such litigant is not



entitled to any relief. Suppression of material facts itself is sufficient to disentitle a party from relief and warrants dismissal of the proceedings.

11. The present case is a clear instance of the appellant-Corporation attempting to mislead the Court by withholding crucial facts and advancing a case contrary to its own records. This Court cannot permit its process to be abused in such a manner.
12. The institution of the present appeal, founded on a plea contrary to the Corporation's own concluded findings, lacks bona fides and constitutes an abuse of the process of law. There is therefore a need for courts to impose realistic and deterrent costs to curb frivolous and dishonest litigation. Public authorities, in particular, are expected to act responsibly and not burden courts with untenable and inconsistent claims.
13. In our considered opinion, the present case warrants imposition of exemplary costs, both to mark the Court's disapproval of such conduct and to ensure that State instrumentalities adhere to standards of fairness, candour, and consistency in litigation.
14. In that view of the matter, we pass the following:



**ORDER**

- i. The appeal stands ***dismissed***.
- ii. Though exemplary costs could be imposed, nominal cost of Rs.25,000/- is imposed on KKRTC payable to the Karnataka State Legal Services Authority within a period of four weeks from today i.e. on or before 21.05.2026.
- iii. The costs imposed shall be recovered from the officers responsible for authorising and pursuing the present litigation, after conducting an appropriate internal inquiry.
- iv. The Managing Director of Kalyana Karnataka Road Transport Corporation is directed to:
  - a. Issue appropriate administrative instructions/circulars mandating full disclosure of all material facts, including disciplinary proceedings arising out of the same incident, in all judicial proceedings;
  - b. Put in place a litigation scrutiny mechanism to ensure consistency in pleadings and positions taken before courts and tribunals; and



- c. Fix accountability in cases where inconsistent or misleading stands are taken before judicial and quasi-judicial forums.
- v. Amount deposited before this Court and the records, if secured are directed to be transmitted to the Tribunal.

**Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE**

**Sd/-  
(DR.CHILLAKUR SUMALATHA)  
JUDGE**

VNR  
List No.: 2 Sl No.: 36  
Ct: Vk