



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2959 OF 2019 (MV-I)

BETWEEN:

MANJUNATHA H C
S/O. CHANDRAPPA H
AGED ABOUT 29 YEARS
R/AT POTHALAKATTE VILLAGE
HIREMEGALAGERE POST
HARAPPANAHALLI TALUK
DAVANAGERE DISTRICT-583131

...APPELLANT

(BY SRI. PRAKASHA H C., ADVOCATE)

AND:

1. BUDEN SAB
S/O. ABDUL SAB
AGED ABOUT 40 YEARS.
2. SABREEN B
D/O BUDEN SAB & LATE DILSHADBI
AGE 14 YEARS
(MENTALLY RETARDED)
3. MUBARAK B
S/O. BUDEN SAB AND LATE. DILSHADBI
AGE 13 YEARS

SINCE THE RESPONDENT NO.2 & 3
ARE THE MINORS REPRESENTED BY THEIR
NATURAL GUARDIAN-FATHER I.E., R1

R1 TO R3 ARE R/AT NO. 5





AV NAGARA / INDIRA NAGARA
BETHUR ROAD
DAVANAGERE-577 001

4. B N KANTHARAJ
S/O. NARASIMHAPPA
MAJOR
AT POST BARGUR, SIRA TALUK
TUMAKURU DISTRICT-572137

...RESPONDENTS

(R1, R2 AND R3 ARE SERVED AND UNREPRESENTED
NOTICE TO R4 IS HELD SUFFICIENT
V/O DATED: 25.07.2024)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 20/11/2017,
PASSED IN MVC NO.211/2017, ON THE FILE OF THE PRINCIPAL
SENIOR CIVIL JUDGE AND MEMBER, MACT-IV, DAVANAGERE,
AWARDING COMPENSATION OF RS.11,18,000/- TOGETHER
WITH INTEREST @ 8% P.A., FROM THE DATE OF PETITION
TILL ITS REALIZATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Appellant's counsel present. In spite of service of
notice, respondents did not turn up and remained ex-
parte. Heard the arguments of the appellant's counsel.

2. This appeal is filed by the driver of the vehicle
against the award of the Tribunal in MVC No.211/2017
passed on 20.11.2017. The legal representatives of



deceased Dilshadbi who met with an accident on 17.11.2016 filed claim petition claiming compensation of Rs.25,00,000/-. Tribunal, on considering the entire evidence on record, granted an amount of Rs.11,18,000/- with interest @ 8% p.a. as an award from date of petition till realization, but held that the driver and owner, i.e., respondent Nos. 1 and 2 are jointly and severally liable to pay the compensation. Aggrieved by the said order, driver of the vehicle preferred this appeal.

3. Counsel for the appellant contended that he is only a driver. Therefore, the petition is to be dismissed against him and the owner is liable for his acts and there was no rash and negligence on his part. The wheel of the trolley burst out resulting in the iron plate disc hitting the deceased and he had driving licence at the time of the accident. The Tribunal ought to have held that the owner of the vehicle alone, is liable to pay the compensation and the Tribunal has erred in fixing liability on him even in the



absence of any evidence and thus prayed to set aside his liability.

4. The manner of accident shows that on 17.11.2016, Dilshabdi was moving by the side of the road to fetch water from the public tap at about 12 noon, the tractor bearing registration No.KA-27/T-8288 attached to the new trailer bearing Chassis No.DT/5T/814 loaded with jelly stones, which was driven by respondent No.1, came in a rash manner at a high speed. As a result, the wheel of the trolley burst out resulting in the iron ring of the disc, fixed to the tyre, came out of the wheel and hit Dilshabdi and causing the accident. She sustained fatal injuries and died subsequently. Therefore, her husband and the two minor children filed claim petition.

5. Husband of the deceased is examined as PW1 and he filed Exs.P1 to P13 and the owner of the vehicle has not entered into the witness box. The manner of accident shows it is a tyre burst which is not in the hands of the driver and he cannot held to be negligent for the sudden



burst of the tyre. The Tribunal failed to appreciate the facts properly and fastened the liability on the driver. The said observation of the Tribunal is not on proper appreciation of facts and is liable to be set aside.

6. In the result, the following:

ORDER

(i) The appeal is allowed.

(ii) The appellant - driver is not liable to pay the compensation and owner alone is liable to pay the compensation.

(iii) The liability fixed on the appellant herein - respondent No.1 before the Tribunal, is set aside.

(iv) The statutory amount in deposit is ordered to be refunded to the appellant, after due verification.

Sd/-
(P SREE SUDHA)
JUDGE

CM
LIST NO.: 2 SL NO.: 42