



2026 INSC 889

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NOS. 10755-10758 OF 2026****REENA****... APPELLANT(S)****VERSUS****THE MANAGING DIRECTOR,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION AND OTHERS.****... RESPONDENT(S)****J U D G M E N T****S.V.N. BHATTI, J.**

1. The Civil Appeals are directed against the common Judgment dated 10.01.2025 in MFA Nos. 5074, 5075 and 5076 of 2014, and I.A. No. 1 of 2024 in MFA No. 5074 of 2014. The Appellant is the Claimant in the bunch of Appeals. The details of the Civil Appeals are stated thus:

CLAIM PETITION	APPEAL BEFORE HC	CIVIL APPEAL
MVC No. 7828 of 2005	MFA No. 5074 of 2014 & I.A. No. 1 of 2024 filed in MFA No. 5074 of 2014	Civil Appeal No. 10755 of 2026 Civil Appeal No. 10758 of 2026

MVC No. 7829 of 2005	MFA No. 5075 of 2014	Civil Appeal No. 10756 of 2026
MVC No. 583 of 2006	MFA No. 5076 of 2014.	Civil Appeal No. 10757 of 2026

2. On 14.10.2005, at 1:20 AM, on NH-48, near Siddeshwara Petrol Bunk, opposite Sapthagiri Hospital, Kunigal Town, Karnataka, a light motor vehicle, Hyundai Santro No. KA-04-MB-2073, driven by Nandan Shet, and a heavy passenger motor vehicle, KA-01-F-7846, driven by Ramalingappa G. Poojari/RW1, collided. The Claimant was one of the passengers in the Hyundai Santro. The other passengers were the Claimant's husband, Nandan Shet; the Claimant's mother-in-law, Geetha Shet; and a family friend, Mahesh. Nandan Shet, Geetha Shet, and Mahesh all died. The Claimant sustained injuries and was hospitalised. She is surviving the trauma and loss of family members and a friend. The Claimant's husband was aged 30 years and 11 months at the time of the accident. She avers that her husband was a Mechanical Engineering Graduate, working in the software field, and was also the Managing Director of his IT company, Geetha Technologies. The Claimant's mother-in-law, Late Geetha Shet, was a homemaker and assisted the deceased, Nandan Shet, in his business. In the present bunch of Appeals, we are not adverting to the details of Late Mahesh, as the bunch of Appeals does not deal with the claim for grant of compensation by his dependents.

3. The subject accident was registered as FIR No. 275 of 2005 at the Kunigal Police Station. A Charge Sheet was filed, and the driver of the Heavy Passenger Vehicle was tried in CC No. 1002 of 2005 by the Court of the Principal Civil Judge (Jr. Dn.) & JMFC, Kunigal. On 03.10.2008, the Trial Court acquitted the driver/RW1 of the heavy passenger motor vehicle by giving him the benefit of the doubt. The Claimant filed MVC No. 7828 of 2005, claiming Rupees one crore and fifty lakhs as compensation for the demise of her husband, Nandan Shet. The Claimant also filed MVC No. 7829 of 2005, claiming compensation for the demise of her mother-in-law, Geetha Shet. Lastly, MVC No. 583 of 2006 was also filed, seeking compensation for the injuries the Claimant sustained and the medical expenses incurred for treatment and convalescence. The MVCs were independent, but the narrative in the claim for compensation is that the driver/RW1, in the wee hours on 14.10.2005, drove the vehicle in a rash and negligent manner, causing the collision, accident, and the death of the two family members of the Claimant.

4. The Claimant, an injured passenger travelling in the Santro car, survived the accident. The Claimant alleged that her husband was in the prime of his life, healthy, working in the Software field, and running Geetha Technologies. He was also a partner in Artium Technologies and, given his educational background, avocation, and stake in two companies, he was earning Rupees One Lakh to One Lakh Fifty Thousand per month. The accident, it is alleged, occurred due to RW1's rash and negligent driving of a heavy passenger vehicle. The Claimant has rested her claim for

compensation on the loss of dependency arising from the deaths of her husband and mother-in-law, and for medical expenses.

5. The First Respondent, in the reply before the MACT, contended that the heavy passenger motor vehicle is owned and operated by the Karnataka State Road Transport Corporation ("KSRTC"). The Corporation itself is the internal Insurer of the subject vehicle. The Second Respondent is the Insurer of the Santro car. The Respondents are jointly and severally liable for the claim for compensation. On the merits of the matter, the First Respondent stated that RW1 was driving the vehicle slowly and cautiously on the left-hand side of the road. The accident occurred due to the rash and negligent driving by Nandan Shet, the driver of the Santro. The First Respondent is not liable for compensation because the accident happened on account of the exclusive rash and negligent driving of Nandan Shet. The Third Respondent received notice, remained absent, and was set *ex parte* before the MACT. The Second Respondent, the Insurer of Santro car No. KA-04-MB-2073, admits that it issued a private car package insurance policy for the Santro car for the period 23.12.2004 to 22.12.2005. The insurance company's objection is that the insurance was in favour of Accenture Services Private Limited, and the Santro car was under a financial arrangement with GE-Capital Transformation Financial Services Limited. It is not clear how Nandan Shet was driving the vehicle, and the insurance company therefore avers that the Third Respondent has let the vehicle for "hire and reward". Therefore, the liability under the policy is contended to be non-answerable by the insurance

company. The Tribunal, keeping in perspective the averments, framed the following issues in MVC No. 7828 of 2005 for decision:

- “1. Whether the petitioner proves that the deceased Nandan Shet died due to injuries sustained in a road traffic accident on 14.10.2005 at about 1.20 a.m., near Sapthagiri hospital, opposite to Siddeshwara Petrol bunk, NH-48, Kunigal on account of rash and negligent driving of KSRTC Bus bearing Reg.No.KA-01-F-7846 by its driver?*
- 2. Whether the petitioner is entitled for compensation as claimed? If so, from whom? .*
- 3. What Order or Award?”*

6. The Claimant examined herself as PW1 and marked Exhibits P1 to P20 in MVC No. 7828 of 2005. Similarly, she was examined as PW1 and PW2 and marked Exhibits P1 to P22 in MVC Nos. 7829 of 2005 and 583 of 2006.

7. The Tribunal, after appreciating the oral evidence of Claimant/PW1 as an eyewitness, the registration of the FIR, read with the Charge Sheet in CC No. 1002 of 2005, and the statement of bus conductor Suresh, who was admittedly sitting next to RW1 at the time of the accident, recorded that the accident was on account of the rash and negligent driving of a heavy passenger motor vehicle by RW1. On Issue No. 2, the Tribunal found that the Claimant was employed as an Associate Manager in M/s. Accenture, Bangalore, and therefore the death of her husband has not resulted in loss of dependency to her. The Tribunal, under the head of ‘loss of consortium’ and ‘funeral expenses’, awarded Rs. 1,50,000/- to the Claimant in MVC No. 7828 of 2005. The Tribunal did not independently record a finding on the liability of the Insurer/Second Respondent on the ground that the accident had happened on account of the rash and negligent driving of RW1.

8. The Tribunal awarded Rs. 1,67,000/- in MVC No. 583 of 2006 and Rs.1,50,000/- in MVC No. 7829 of 2005. As noted above, the Claimant carried the matter in appeal before the High Court of Karnataka, which, through the Impugned Judgment, enhanced the compensation in MFA No. 5074 of 2014 to Rs. 14,35,267/-, but, on account of alleged contributory negligence of 50%, awarded Rs. 7,17,634/- with interest at 6% per annum from the date of the Claim Petition till its realisation, payable by the First Respondent, KSRTC. In contrast, the compensation was reduced in MFA Nos. 5075 and 5076 of 2014. In fine, the compensation for the death of the husband and mother-in-law, and for the injuries of the Claimant, can be summarised as follows:

FOR DEATH OF NANDAN SHET/HUSBAND OF THE CLAIMANT:

Sr. NO.	HEADS	MACT	HC
1.	Loss of Dependency/Estate	NIL	Rs. 13,80,267/- [Notional income Rs.20,000/- considering he was an engineer, adding future prospects @40%, applying 1/3 rd deduction, and multiplier of 16 – considering age as 30];
2.	Loss of Consortium	Rs. 1,00,000/-	Rs. 40,000/-
3.	Funeral and obsequies expenses	50,000/-	Rs.15,000/- (funeral and transportation expenses)
	TOTAL	Rs.1,50,000/- + interest @8% p.a.	Rs.14,35,267/- But considering 50:50 contributory negligence: Rs.7,17,634/- + interest @6% p.a.

FOR DEATH OF GEETA SHET/MOTHER-IN-LAW OF THE CLAIMANT:

S. NO.	HEADS	MACT	HC
1	Loss of Dependency	NIL	NIL
2	Loss of Estate	Rs.1,50,000/-	NIL
3	Funeral and obsequies expenses		15,000/- (towards funeral and transportation expenses)
	TOTAL	Rs.1,50,000/- + interest @8% p.a.	Rs. 15,000/- + interest @6% p.a.

FOR INJURIES SUFFERED BY THE CLAIMANT

S. NO.	HEADS	MACT	HC
1	Pain and Agony	Rs. 50,000/-	Rs. 25,000/-
2	Medical Expenses	Rs. 11,000/-	Rs. 11,000/-
3	Attendant charges, food, diet, nourishment, conveyance etc.	Rs. 6,000/-	Rs. 6,000/-
4	Loss of amenities, disappointment, discomfort, disability etc. on account of disability	Rs. 1,00,000/-	Rs. 50,000/-
	TOTAL	Rs.1,67,000/- + interest @8% p.a.	Rs.92,000/- + interest @6% p.a.

9. Hence, the Civil Appeals.

10. The Appellant-in-Person contends that the Tribunal and the High Court have determined and awarded frugal compensation to her. The Appellant argues that apportioning liability between the heavy passenger

motor vehicle and the light motor vehicle is illegal, erroneous, and unsustainable. No liability was fastened on the Insurer. The Impugned Judgment, by referring to the evidence of PW1 while excluding the FIR registration and the filing of the Charge Sheet, recorded a finding that the driver of the Santro car drove the vehicle negligently and that there was contributory negligence to the extent of fifty per cent in the subject accident. The High Court's approach is illegal, erroneous, and contrary to the binding decisions on the evidentiary value of the FIR, Charge Sheet, etc. The High Court committed a fundamental error in appreciating the rough sketch of the occurrence by exclusively focusing on the position of the Santro car and assessing contributory negligence. The oral evidence of the Respondents discloses that the curve present at the scene of occurrence was ignored. The Appellant-in-Person invites our attention to the statement of Suresh, the bus conductor, and, in spite of the absence of contrary evidence or suggestion, the High Court has denied compensation on the ground of contributory negligence. In brief, it is argued that there is no contributory negligence by the deceased, Nandan Shet, and, alternatively, that it is not 50% as determined by the High Court. The determination of contributory negligence ought to be commensurate with the circumstances presented and established before the court. Adverting to the quantum of compensation, it is argued that the Tribunal fell into serious error by not granting compensation under the head 'loss of dependency'. The Appellant might be an earning member, but compensation is payable to her, though not on the grounds of loss of dependency, but on loss of estate. The High Court awarded

compensation under the head 'loss of estate', but the quantum granted is meagre. The Claimant requests the Court to allow I.A. No. 1 of 2024 in MFA No. 5074 of 2014 filed before the High Court. The following is the list of documents produced as additional evidence in the said IA:

- “(i) Employer Accenture termination letter*
- (ii) Father's death certificate*
- (iii) Geetha Technologies Invoices and quotations*
- (iv) Vijaya Bank Current account cheque of Geetha Technologies*
- (v) Proof that Vijaya Bank Current Account of Geeta Technologies was in the name of Narayan J. Phadye*
- (vi) Newspaper clip of husband's name change*
- (vii) Driving License and MIT Engineering College Identity Card of husband*
- (viii) Driving licence of mother-in-law*
- (ix) CHC Kunigal Referral card*
- (x) Sagar Apollo Physiotherapy advice”*

Therefore, the compensation to the Appellant under the head “loss of estate” be determined taking note of his basic qualifications, additional qualifications acquired and the invoices and quotations evidencing additional income to the deceased.

11. With reference to the Civil Appeals filed against the MFA Nos. 5075 and 5076 of 2014 before the High Court, it is argued that the evidence clearly shows that the deceased mother-in-law was not a homemaker but was assisting her son, late Nandan Shet, and that reasonable compensation should have been awarded. Even the actual expenses, leave alone the reasonable compensation for pain and suffering, have not been paid and awarded. Further, the Impugned Judgment failed to consider Appellant's permanent mental disability resulting from the trauma which subsequently led to her termination on performance grounds.

12. Ms. Kiran Suri, learned Senior Counsel appearing for the First Respondent, vehemently argues that the compensation awarded by the Tribunal and the High Court is just and proper and in a way exceeds what the Appellant is entitled to in the circumstances of the case. The findings of fact recorded by the High Court on contributory negligence are unassailable. The Counsel invites the Court's attention to a rough sketch marked in MVC No. 7828 of 2005, which highlights the positions of the Santro car and the KSRTC heavy vehicle. The driver of the Santro car is responsible for the accident, but not RW1. The salary has been notionally fixed at Rs. 20,000/- , and in the circumstances of the case, this notional fixation is also on the higher side. In the absence of documentary evidence, the Appellant's claim of Rs. 1,00,000/- to Rs. 1,50,000/- per month from the deceased, Nandan Shet, is unrealistic and untenable. From the averments and documents on record, the compensation granted is proper and just. The Appellant, being the daughter-in-law, is not entitled to claim compensation on the ground of loss of dependency or on any other head. Further, the medical expenses are reimbursed to the Appellant, as evidenced on record.

13. Learned counsel for the insurance company supports the findings on the contributory negligence and, on account of the findings of fact, submits that since there is negligence on the part of the driver of the Santro car, the insurance company is not liable to pay any compensation. It is also argued that late Nandan Shet is not covered by the insurance policy. Finally, without prejudice to these two objections, it is contended that the compensation

awarded by the High Court is fair and just, and that no case for enhancement is made out.

14. We have taken note of the submissions and perused the record.

15. The following admitted circumstances are set out before our analysis of rival contentions. On 14.10.2005, an accident between the heavy and the light motor vehicle occurred, resulting in the deaths of Nandan Shet, Geetha Shet and Mahesh. The Claimant in the same accident sustained grievous injuries. The heavy-vehicle passenger bus is owned and operated by the KSRTC, which is also the internal Insurer for the vehicle involved in the accident. The Claimant, at the time of the accident, was working as an Associate Manager at Accenture Technologies, Bangalore. The Insurance Policy is the 'Private Car Package Policy'. The accident occurred during the currency of the policy issued by the Second Respondent. The Second Respondent claims exoneration of any liability on the ground that the Santro car was let for "hire and reward" by the Third Respondent. Therefore, the Insurer is not obligated to pay compensation. We have perused the record and observed that this argument has not been put to trial, much less that a finding is recorded by the Tribunal or the High Court. We also note that the High Court, in paragraph 58 of the Impugned Judgment, has observed as follows:

"58. There is no dispute that Santro car bearing Registration No.KA-04-MB-2073 was insured with New India Assurance Insurance Company Ltd. which was respondent No. 3 in M.V.C.No.7916/2005. Though the Tribunal in reasoning portion held that Insurer is liable, in the operative portion fastened the liability on the owner of the car which is unsustainable. The Insurer of the car is liable to pay the compensation. Therefore, M.F.A. No. 1222/2013 filed by the

*owner of the car deserves to be allowed.
M.F.A.No.1094/2012 deserves to be allowed in part and
M.F.A.No.2473/2012 is liable to be dismissed.”*

16. Admittedly, this finding of the High Court is not challenged by the Second Respondent. Independent of the said omission, the insurance policy placed on record by the Second Respondent provides that the insured vehicle can be driven by any person, including the insured, provided that the person driving holds an effective driving licence at the time of the accident and is not disqualified from holding or obtaining such licence. It further provides that the person must hold an effective learner's licence and must comply with Rule 3 of the Central Motor Vehicles Rules, 1989. Per contra, the limitation as to use prohibits entrustment of the subject vehicle for “hire and reward”. From the record, at the outset, after appreciating the totality of circumstances, we hold that the Second Respondent's objections to exoneration from the subject claim are untenable, and the extent of contribution by the Second Respondent would depend on the consideration of contributory negligence and whether the finding recorded by the High Court is tenable wholly or in part.

17. The averments of negligence or contributory negligence are sketchy. The First Respondent, as a fact in issue, alleges that the driver of the Santro led to the accident. The Tribunal, on consideration of the FIR, Charge Sheet, etc., held as follows:

A. The Tribunal, while differing from the 2011 ruling in MVC No. 7916 of 2005, attributed 100% negligence to the First Respondent's bus driver.

B. It relied on the statements of the Conductor (C. Suresh/Exh. P-8 of MVC. 7828) which read as follows:

“The driver of the KSRTC bus drove the bus in a rash and negligent manner and dashed against the car which was coming in the opposite direction. On account of the impact, the car was dragged to the extreme left side of the road by the bus to a distance of 50 to 60 feet, crossed the left side chamber, hit the P.W.D. compound wall and got stationed on the heap of the mud”.

C. The evidence led in by the First Respondent does not depict that late Nandan Shet drove his vehicle in a rash and negligent manner, or that his negligence caused the subject accident.

D. Nothing on record indicates that the accident was caused by Nandan Shet’s rash and negligent driving of the Santro.

18. Let us now advert to the evidence on both the sides regarding the issue on Contributory Negligence:

18.1 EVIDENCE ON BEHALF OF THE CLAIMANTS:

A. The Claimant was examined as PW1 and stated that the accident was caused solely by the driver of the First Respondent. To support her claim, she relied on several official documents, including the FIR, complaint, Charge Sheet, Rough Sketch, Inquest Mahazar, spot Mahazar, post-mortem report, and a statement from a witness, conductor. She was seated in the rear seat on the left side of the Santro car and denied sleeping at the time of the collision. The defence has not suggested to her that the accident occurred due to rash and negligent driving by the Santro car’s driver. The statement of the conductor of the First Respondent’s Bus (Exh. P-8) was recorded by the police under Section 161 of the Code of Criminal Procedure, 1973 (“CrPC”). The

conductor stated that the driver of the First Respondent's bus drove in a rash and negligent manner, dashing against the car coming from the opposite direction. The impact caused the bus to drag the car to the extreme left side of the road for 50 to 60 feet, cross the left-side chamber, hit the PWD compound wall, and finally come to a halt on a heap of mud. Additionally, the official police records, namely the FIR and Charge Sheet, were filed exclusively against the driver of the First Respondent's Bus.

18.2 EVIDENCE ON BEHALF OF THE FIRST RESPONDENT

A. The driver of the First Respondent's Bus, Shri R.G. Poojari, was examined as RW1 and presented a contrasting narrative. The accident occurred because the driver of the Santro car came from the opposite direction in a rash and negligent manner at extreme speed, moving to the extreme left side of the road. Although he attempted to file a complaint with the police after the accident, which was refused, he later admitted during cross-examination that he had not produced any documents to prove the said refusal. He denied the suggestion that his own rash and negligent driving caused the accident and produced the judgment in CC No. 1002 of 2005, which shows that he was acquitted in the criminal case arising out of the subject accident. He admitted in cross-examination that the bus conductor, Suresh, was sitting beside him, knew exactly how the accident occurred, and had given a statement to the police.

B. Mr. Satish Raju, a Law Officer in KSRTC, was examined as RW2. He produced certified copies of exhibits from MVC No. 7916 of 2005 (Mahesh's Award), an investigator's report, and four photographs. Stated that the

judgment passed in MVC No. 7916 of 2005 held that the drivers of both the bus and the Santro car were responsible for contributing to the accident through their rash and negligent driving. During cross-examination, he admitted that he was not an eyewitness to the accident and had not personally taken the photographs that he produced, which the Tribunal noted did not even show the Santro car.

C. Mahadevappa, the Kunigal Depot Manager, was examined as RW3 and stated that he had taken the photographs of the accident spot. During his cross-examination, he admitted that when he took those photos, only the bus was present at the scene because the car had already been moved to the Police Station.

19. The above evidence has been analysed by the High Court. The findings of the Impugned Judgment on Contributory Negligence are summarised as follows:

A. While a police Charge Sheet has presumptive value, it is not conclusive proof of negligence. Courts and Tribunals are fully permitted to go beyond the charge sheet and examine other evidence, especially when evidence on record, such as the bus driver's honourable acquittal in a criminal court, contradicts it.

B. The Tribunal erred by confronting the bus driver with a statement made by the bus conductor. Under Section 162(1) of the CrPC, a statement made to the police can only be used to contradict the maker of the statement, not a third party.

C. Relying on the scene sketch, it was held that the car was driven to the extreme right side of the road despite having sufficient space on the left to avert the collision. Hence, the driver of the Santro car, late Nandan Shet and the First Respondent bus driver contributed equally, i.e., fifty per cent each, towards the accident.

20. We preface a few of the well-established precedents in the adjudication of Motor Vehicle Accident claims:

A. Police investigation records, including the FIR and final Charge-Sheet, constitute valid, admissible, and reliable *prima facie* evidence to establish rash and negligent driving in MACT proceedings. Further, a subsequent acquittal in a criminal case does not affect the assessment of tortious liability under the MV Act.¹

B. Criminal proceedings and civil MACT Claim Petitions operate in entirely distinct legal realms, as the degree of “culpable rashness” required under Section 304-A of the Indian Penal Code, 1860 (“IPC”) is significantly higher than civil negligence under the law of torts. The findings, quashment, or acquittals in Criminal Court cannot control or dictate the outcome of MACT proceedings, which must be evaluated independently on civil standards.²

C. A site map or accident sketch cannot be read in isolation or used as the sole basis to record contributory negligence against a deceased driver in the absence of corroborating ocular evidence. Furthermore, the non-

¹ ICICI Lombard General Insurance Co. Ltd. v. Rajani Sahoo & Ors., (2025) 2 SCC 599.

² Mathew Alexander v. Mohd. Shafi & Anr., (2023) 13 SCC 510.

examination of all potential witnesses is not fatal to a claim if the existing record adequately establishes negligence.³

D. The spot where a lighter vehicle is found lying on a site map post-accident cannot be assumed to be the spot where the collision occurred, nor that it was being driven on the wrong side, as a collision with a heavy, speeding vehicle naturally pushes or drags the smaller vehicle forward. The Charge Sheet points towards *prima facie* driver complicity, and site maps alone cannot establish contributory negligence without direct contra-evidence.⁴

E. Motor accident Claim Petitions under Section 166 of the MV Act must be adjudicated on the touchstone of “preponderance of probability” rather than proof beyond reasonable doubt. Further, under Section 173 of the MV Act, the Appellate Court is required to carefully marshal all oral and documentary evidence before reversing a reasoned MACT award.⁵

21. The following principles can be laid out from the above judgments:

- A.** Charge Sheet creates a *prima facie* case of negligence.
- B.** Criminal acquittals do not displace this *prima facie* civil liability.
- C.** Scene sketches showing post-impact vehicle positions cannot be used to infer contributory negligence against smaller vehicles.

³ Sunita & Ors. v. Rajasthan State Road Transport Corporation & Ors., (2020) 13 SCC 486.

⁴ Mangla Ram v. Oriental Insurance Co. Ltd. & Ors., (2018) 5 SCC 656.

⁵ Geeta Dubey & Ors. v. United India Insurance Co. Ltd. & Ors., 2024 SCC OnLine SC 3779.

D. High Courts cannot summarily overturn MACT Awards without meeting the standard of preponderance of probability in civil cases.

22. Against the above background, this Court first decides whether the view taken on contributory negligence is correct, and whether the award of compensation for the demise of the late Nandan Shet is nominal and represents just and fair compensation.

22.1 The High Court erred in ignoring the FIR and chargesheet, which, according to binding precedents *supra*, demonstrate the preponderance of negligence on one or the other. The said documents are treated as evidence in the final analysis of negligence regarding the offending vehicle. We do not wish to replicate the Judgment with citations, except the precedents already noted. The error apparent, going to the root of the High Court's finding, is that it recorded that RW1 was honourably acquitted and the Claimant was not examined before the Criminal Court. We note, first, that the Criminal Court has not acquitted RW1 honourably. The acquittal was by extending the benefit of doubt. That being so, the High Court ought to have appreciated the oral evidence of PW1 and RW1, and taken note of the First Respondent's non-examination of the bus conductor, Suresh. The admissions on the curves, etc., at the site were ignored in the Impugned Judgment. Negligence was attributed to late Nandan Shet based on the Santro vehicle's position on the topographical sketch. The topographical sketch is not properly appreciated by the Impugned Judgment. The contact point of the vehicle is determinative, not the drag marks, which ultimately take the vehicle to the left-hand side of the bus and to the right-hand side of the Santro. The

evidence of RW1 is not credible, and much credence cannot be given to his evidence, more particularly after RW1 secured acquittal from the Criminal Court. PW1 was not summoned as a witness in the criminal case. Her non-examination by the Prosecution in the circumstances of the case ought not to result in an adverse finding by the High Court. The degree of proof in the two proceedings, namely the criminal court and the Tribunal, is not the same. In our considered view, the High Court's finding on contributory negligence between the vehicles involved is incorrect and warrants our interference. We restore the finding recorded by the Tribunal, which is apt and correct in the circumstances of the case. In fine, the accident occurred due to RW1's rash and negligent driving.

23. The Claimant has placed additional evidence on record through I.A. No. 1 of 2024. The High Court rejected the prayer on the ground that the application was filed at a belated stage. The observation may be correct. However, the Impugned Judgment failed to notice a crucial fact that the Claimant was married to the deceased, late Nandan Shet, about three months before the date of the accident. The reason now given is that, due to shock and the absence of any other person to support or guide her, she could not immediately gather the documents sought to be relied upon by her.

24. In our view, the High Court ought to have allowed the additional evidence, at least for the limited purpose of determining the just and fair compensation to which the Claimant is entitled. Under Order XLI Rule 27(1)(b) of the Code of Civil Procedure, 1908, an Appellate Court is empowered to take additional evidence on record if it requires the

documents “to enable it to pronounce judgment” or for “any other substantial cause.” Further, the MV Act is a beneficial, welfare-oriented legislation designed to protect accident victims and their families. Section 169 of the MV Act states that Tribunals may follow a summary procedure as they may deem fit. The documents, such as the Bank of Baroda current account inquiry record and commercial software invoices, are relevant to determine the statutory mandate of “just compensation” under Section 168 of the MV Act.

25. The Claimant, in her Affidavit before the High Court, explained the delay in filing documents, namely, the acute physical and mental shock of the accident, her subsequent job loss, and the systemic delays in retrieving dormant bank records after the merger of Vijaya Bank into Bank of Baroda. The date of the accident is 14.10.2005. Litigation has been pending for 21 years. Proceedings before MACT are summary in nature and, with a view to avoiding extending the life of litigation, the additional evidence application, in the peculiar facts and circumstances, we allow the Civil Appeal against the order in I.A. No. 1 of 2024 in MFA No. 5074 of 2014 and receive the additional evidence.

26. The Claimant has relied upon Exh. P16, a Salary Certificate, and Exh. P15, a Purchase Order in favour of Geetha Technologies. The additional evidence would show the bank account details of the deceased, Nandan Shet. The heads under the payment of compensation by the High Court are in line with the decisions of this Court, but for a Software Engineer, as opposed to a Mechanical Engineer, working in the IT/Software Industry, the Salary of

Rs. 20,000/- per month is on the lower side. We take note of the contemporaneous acquisition of the deceased's certified courses, as well as the invoices and quotations, to show the additional income that the deceased earned.

26.1 The deceased held a Bachelor of Engineering (Mechanical) Degree obtained in 1999 (Exh. P14) and specialised in software certifications in Oracle and Visual Basic (Exh. P17 and Exh. P18). By March 2001, he had a fixed monthly Salary of Rs. 7,000 at Magma Solutions (Exh. P16). The Bank of Baroda Finacle Inquiry Record links the deceased's CIF ID to the current account of Geetha Technologies, proving his proprietorship. The documentary trail from 2003 to 2005 demonstrates his transition from a salaried employee to an independent IT entrepreneur executing corporate contracts. This is further corroborated by a May 2003 quotation for Rs. 30,000, an August 2003 invoice for Rs. 50,000, a June 2004 Purchase Order for Rs. 52,000 (Exh. P15), and a finalised invoice (GT2005/81) for Rs. 28,200 issued on 04.10.2005, just ten days before the accident.

27. Having noted the totality of circumstances and the peculiar facts of the case, we are unable to accept the claim of Rs. 1,00,000/- to Rs 1,50,000/- per month as the deceased's income while simultaneously limiting it to Rs. 20,000/- per month for a person with the above skills working in Bangalore. Considering the Claimant's husband's professional degree and his years of software experience, the deceased's realistic income could be stated at Rs. 70,000/- per month at the time of his death in October 2005.

28. To sum up, in Civil Appeal No. 10755 of 2026, filed against MFA No. 5074 of 2014, the compensation is determined as follows:

HEAD OF COMPENSATION	FORMULA APPLIED	AMOUNT (IN RS.)
Fixed Base Monthly Income	MACT Exhibits and documents in I.A.	70,000 per month
Gross Actual Annual Income	Rs. 70,000 × 12	8,40,000 per year
Less: Statutory Tax Deductions	Income Tax (FY 2005-06 Slabs + 2% Cess) + Professional Tax	(-) 2,08,440
Net Actual Annual Income	Income at the time of death	6,31,560
Add: Future Prospects	+40% of Net Actual Income	(+) 2,52,624
Net Effective Annual Income	Net Actual Income + Future Prospects	8,84,184
Annual Savings to Estate	1/3 rd of Net Effective Annual Income	2,94,728 per year
Multiplier Applied	Factor of 17 for the age of 30 years	17
1. Substantive Loss to Estate	Rs. 2,94,728 × 17	50,10,376
2. Loss of Spousal Consortium	Rs. 40,000 base + 30% inflation adjustment	52,000
3. Funeral & Transportation Expenses	Rs. 15,000 base + 30% inflation adjustment	19,500
TOTAL COMPENSATION	Sum of Rows 1, 2, and 3	Rs. 50,81,876

29. Civil Appeal Nos. 10756 and 10757 of 2026 are disposed of in the light of the findings of this Court on the Contributory Negligence. Consequently, the composition granted by the High Court in the Impugned Judgment in Civil Appeal Nos. 10756 and 10757 of 2026 is confirmed but the apportionment referred to in the Impugned Order (v) (b), (c) is modified and is exclusively payable by K.S.R.T.C.

30. Civil Appeal Nos. 10755 and 10758 of 2026 are allowed. The claimant is awarded the compensation of Rs.50,81,876 (Rupees Fifty Lakhs Eighty One Thousand Eight Hundred and Seventy Six) with interest at the rate of 6 per cent per annum from the date of filing of the claim petition till the date of realisation.

31. Pending Application(s), if any, shall stand disposed of accordingly. No order as to cost.

.....J.
[S.V.N. BHATTI]

.....J.
[N.V. ANJARIA]

**New Delhi;
August 19, 2026.**