

M.V.C.No. 1742/2025

IN THE COURT OF THE HON'BLE PRL SENIOR CIVIL
JUDGE & ADDL MACT GOKAK. AT: GOKAK.

Between:

- 1) Shri Lagamappa S/o Kenchappa Kalasannavar
And other

... Petitioners.

And:

- 1) Ramappa S/o Shivabasappa Yadawad
And another.

... Respondents.



EXAMINATION IN CHIEF OF PW-1 BY WAY OF
AFFIDAVIT

HEREIN, I Lagamappa @ Lagamanna s/o Kenchappa Kalasannavar, Age: 58 years, Occu: Agriculture, R/o: Balobal, Tal: Gokak, today at Gokak do hereby state on solemn affirmation and make the following affidavit in the form of my oral evidence as under:-

1) I am petitioner No.1 in this case, petitioner No.2 my wife petitioner No.3 & 4 are my son and daughter. I know the facts and circumstances of this case. Hence I am competent to swearing this affidavit on my behalf also on behalf of petitioner No.2 to 4, as our interest is one and same.

2) We have filed this petition for claiming compensation on account of death of my son by name-Shivanand S/o Lagamappa @ Lagamanna Kalasannavar in a road traffic accident. The contents of the petition may kindly be treated as part and parcel of this affidavit.

L. K. 085250

NO OF CORRECTION

File
25/11/2025
Counsel of the R2
not available. Hence
the copy of the R2
annexed here with

6
24/11/2025

3) I submit that on ill fated day i.e., on 26/01/2025 when the deceased Shivanand Lagamanna Kalasannavar coming on a motor cycle as a pillion rider, bearing Hero HF Deluxe motor cycle Regn. No. KA.49/Y-3417, when he was going to Mudalagi along with Bahuray Balappa Danannavar to meet his father-in-law by name Mahantesh M. Kalloli. There after when they are returning from Mudalagi to Balobal on a motor cycle, when they came near Gokak cross at that time driver of the New Holland Tractor 3630 Turbo Super 55 bearing Regn. No. KA-49/T-1241 along with Trailers was coming from opposite direction Gokak to Mudalagi towards Mudalagi Gokak road at Gokak cross, driver of the tractor has all of a sudden turn the tractor, by covering road in a rash and negligent manner in a high speed which is endanger to human life without observing traffic rules & regulation and dashed to the vehicle of my son deceased Shivanand and caused accident.

4) I submitted that due to the said impact, the deceased Shivanand was fell down on road and sustained grievous fatal injuries all over the body and Shivanand died on the spot due to accident fatal injuries.

5) Immediately after the accident, my son deceased Shivanand was shifted to Govt Hospital Mudalagi and wherein the Medical Officer Taluka Government Hospital Mudalagi has conducted the postmortem. After P M, the body was handed over to us. We have conducted funeral ceremony

at Balobal Village by spending more than Rs.1,00,000/- towards conveyance, transport, religious and funeral expenses etc.

6) It is submitted that prior to the accident, my son deceased Shivanand was hale and healthy and he was doing private job in Sugar Factory and also agriculture work and he was earning Rs.20,000/- per month & also he earn Rs.5,00,000/- from agriculture. Out of the said income, my son deceased Shivanand was maintaining our family smoothly. My son Shivanand was the only sole earning member of the our family and entire our family depending upon him for their livelihood. Due to accident and untimely death of my son, our life have been spoiled and thrown on the street. We have lost their loving son. We have suffered shock and mental agony due to unfortunate death of my son. Our life have become miserable and put in to great inconvenience. We are suffering mentally, physically and financially.

7) It submitted that the accident in question is solely taken place due to the rash and negligent driving of the driver of said New Holland 3630 Turbo Super 55 Tractor of respondent No.1 which is driven by its driver in a high speed, which endangers to the human life. The respondent No.1 being owner and Respondent No.2 insurer. Hence the Respondent No.1 and 2 are jointly and severally liable to pay the compensation to the us under contractual liability.



NO OF CORRECTION

2-K-0529200

8) The contents of objections filed by the respondents are not correct and same are denied by me.

9) We have produced all the relevant document in support of our case as per separate list, the same may kindly be marked and read in evidence and exhibited in our favour Ex.P.1 to Ex.P. _ _.

Therefore for all the reasons, stated above amongst others, it is most humbly prayed that the compensation of Rs.1,00,00,000/- (One crore) may kindly be awarded to the petitioners from the respondents No.1 & 2 jointly and severally with interest at the rate of 21% p.a. from the date of accident, till the realization of entire amount in the interest of justice & equity.

Hence this Chief Examination by way of Affidavit.

Thus sworn & verified that the above contents are read over and explained to me in kannada and the same are true and correct to the best of my knowledge, belief and information.

Gokak.

Date: 24/06/2026

L.K. S.S. Jwal

Deponent.

"I know the deponent"

for *M.S. Bairugol*

(M.S. Bairugol)
Advocate, Gokak



SWORN TO BEFORE ME

R.R. Pashupatimath
R. R. PASHUPATIMATH
B. Com., LL.B. (Spl.)
ADVOCATE & NOTARY, GOKAK

24 JUN 2026

NO OF CORRECTION