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**IN THE COURT OF 1st ADDITIONAL DISTRICT JUDGE
AT BALLARI**

DATED THIS THE 18TH DAY OF JULY, 2026

: PRESENT :

SRI H.A. MOHAN., B.A.L., LL.B.
1st Addl. District & Sessions Judge
and
Member, M.A.C.T-II, Ballari.

M.V.C. No.238/2025

CLAIMANTS :-

1. Smt. K. Saraswathi
W/o Late K. Ajay Kumar,
Aged about 37 Years.
2. Minor K. Bhuvaneshwari
D/o Kuruba Ajay Kumar,
Aged about 15 Years,
Student, Since minor represented
by her mother and natural
guardian Smt. K. Saraswathi
W/o Late K. Ajay Kumar, Aged
about 37 Years.

Both are presently residing near
Ramulamma temple, Bandihatti,
Cowl Bazar, Ballari.

3. Smt. K. Mallamma
W/o Late K. Mallappa,
Aged about 75 Years,

Housework, R/o No.17-2-182,
Dandubasappa street, Rayadurga
Town, A.P. State.

(Sri. K. Ramesh., Advocate)

V/s

RESPONDENTS :-

1. Varadha Ravi
S/o Venkatappa,
Aged about 37 Years,
Driver of Bajaj Passenger Auto
bearing Regn. No.AP-02/TA-
1972, R/o Near Mahalakshmi
Temple, Mallapura Layout,
Rayadurga town, Rayadurga
Taluk, Ananthapur District.
2. Venkataramana boni
S/o Jayaram,
Aged about 50 Years,
Owner of Bajaj Passenger Auto
bearing Reg. No.AP-02/TA-1972,
R/o Ward No.15, Kamma Gadda
(ST), Madanapalli (Post &
Madala), Madanapalli Taluk,
Chittur District.

(R-1 by Sri Ramu H., Advocate)

(R-2 : Exparte)

J U D G M E N T

This is a petition filed under **Section 166 of M.V. Act, 1989** by the petitioners, seeking compensation for the death of husband of petitioner No.1, father of second

petitioner and son of 3rd petitioner, by name K. Ajay Kumar, in a road traffic accident.

2. Case of the petitioners in brief is that, on 24.1.2024 during evening hours at 5:45 P.M., the deceased Ajay Kumar was walking on Rayadurgam-Ballari road near Gangamma Bhavi, on the left side of the road, at that point of time, the first respondent being the driver of Bajaj passenger Auto bearing Regn. No.AP-02/TA-1972 belonging to respondent No.2, drove the same in a rash & negligent manner and with high speed and dashed against the deceased Ajay Kumar, as a result of which, he fell down on the road and sustained bleeding injuries all over the body. Immediately, he was shifted to Government hospital, but he was declared as dead.

3. It is further stated that, the petitioner No.1 at young age lost her companion, the petitioner No.2 being female child has lost her father and the petitioner No.3 has lost her son. The deceased Ajay Kumar was hale and healthy, aged about 39 years and was working as Tailor and earning Rs.30,000/- Per month and maintaining the

family. But, due to his sudden death in the road traffic accident, the petitioners have lost the earning member of the family and they have been put to untold misery and hardship and therefore, they are entitled for compensation from the respondents.

4. It is further stated that, first respondent is the driver of the Passenger auto is responsible for the accident and hence, the respondent No.2 being the owner of the vehicle, both are jointly and severally liable to pay compensation. Accordingly, prayed to allow the petition.

5. In-response to notice issued, the Respondent No.1 has appeared through his Advocate and filed written statement. He has denied and disputed the case of the petitioners and called upon them to give strict proof of allegations. It is further stated that, he was driving the Auto in question at a relevant point of time slowly and by following traffic rules, but deceased himself was responsible for the accident. Second respondent is the owner and hence, the liability, if any, is to be fixed against respondent No.2. Accordingly, prayed to reject the petition.

6. The respondent No.2 did not appear in spite of service of notice. Hence, he has been placed Exparte.

7. Upon considering the materials proposition of law and the facts pleaded, my predecessor has framed the following Issues :-

: ISSUES :	
1.	Whether the petitioners prove that, the deceased Kuruba Ajay Kumar was died in road traffic accident that was occurred on 24.1.2024 at about 5:45 P.M., near Gangamma bhavi, on Rayadurgam-Ballari road, Rayadurgam town, due to rash and negligent driving of Bajaj Passenger Auto bearing Regn. No.AP-02/TA-1972 by the first Respondent?
2.	Whether the petitioners are entitle for compensation as prayed for? If so, from whom?
3.	What order or an Award?

8. In order to prove the above said Issues, first petitioner filed her affidavit in-lieu of evidence as P.W.1

and got marked documents as Exs.P.1 to P.26. She has examined one Nayakula Nagaraju as P.W.2 and closed her side evidence. Both the witnesses have not been subjected for cross-examination by the respondent No.1 nor the respondent No.1 has adduced the evidence for his side.

9. Heard the learned counsel for petitioners.

10. My answer to the above Issues are as under :-

Issue No.1	: In the Affirmative.
Issue No.2	: Partly in the Affirmative.
Issue No.3	: As per final order, for the following :

REASONS

11. **Issue No.1** :- To substantiate the claim, the petitioners have relied upon the certified copy of F.I.R., complaint, spot mahazar, accident information, P.M. Report, charge sheet and other documents. Translation copies are also produced, because the original documents are in Telugu language.

12. A perusal of the said documents, they disclose that, the accident was occurred on 21.1.2024 at 5:45 P.M.

near Gangamma bhavi on Rayadurga-Ballari road, Rayadurgam town. They also disclose that the respondent No.1 was the driver and in fact, the same is not in dispute. All the documents substantiated the claim of the petitioners. The documentary evidence and oral evidence has not been challenged by the respondents. Therefore, without much discussion, I hold that the petitioners have placed the sufficient material to prove this Issue. Accordingly, I answer the same in the **Affirmative**.

13. **ISSUE No.2** :- Here in this case, the person who was aged about 40 years as per P.M. Report and Aadhaar card has died in the accident. No document is placed to show that deceased was doing tailoring work and earning Rs.30,000/- P.M. Therefore, in the absence of any material in that regard, notional income is required to be taken.

14. It is to be noted that, a person from the Andhra Pradesh has died in the accident. Therefore, the latest Judgment of our own Hon'ble High Court of Karnataka in

MFA No.5097 of 2023 (MV-D) (Manager vs 1. Banda Saraswathi & Others) dated 7.4.2026 has held that, the notional income at Rs.7,000 P.M., was fixed for the year 2018 in Andhra Pradesh. The petitioners have not produced the copy of the notional income fixed by the Legal Services Authority of Andhra Pradesh. In the absence of any material and since the deceased/petitioners are from Andhra Pradesh, the notional income fixed by the KSLSA, Bengaluru cannot be applied. There is no material to show that deceased was earning Rs.30,000 P.M. by doing tailoring work. Since the accident was occurred in the year 2024, by increasing the notional income at Rs.750/- per year from 2018, it can be raised to Rs.10,500/- per month. The deceased was about 40 years. Therefore, as per Pranay Sethi case, the additional 40% is required to be added up to the age of 40 years in case of self-employed. If 40% is added to that income, it comes to Rs.14,700/- P.M. There are three petitioners. Hence, as per the above said Judgment, $1/3^{\text{rd}}$ is to be deducted towards personal expenses of the deceased. Remaining dependency comes to Rs.9,800/- P.M. Annual dependency comes to

Rs.1,17,600/-. The multiplier 15 is applicable to the age in between 36 and 40 as per Sarla Verma case. If that multiplier is applied, the loss of dependency comes to Rs.17,64,000/- (1,17,600X15) and the same is awarded for loss of dependency.

15. Now, law is settled with regard to awarding compensation on conventional heads. In a decision reported in **2017 ACJ 2700**, Constitution Bench of the Hon'ble Supreme Court, in the case of **National Insurance Company Limited V/s Pranay Sethi and Others**, discussed about the said aspects and held that loss to estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. It is also observed that 10% shall be enhanced once in every three years. The said Judgment was passed in the year 2017. Therefore, already nine years have lapsed. Hence, it is necessary to take 30% additional benefits and it come to Rs.19,500, Rs.52,000 and Rs.19,500=Rs.91,000 for the loss to estate, loss of consortium and funeral expenses

respectively. Therefore, in all, the petitioners are entitled for total compensation of **Rs.18,55,000/-**.

16. The respondent No.1 was admittedly driving the Passenger Auto and the respondent No.2 is the owner of the vehicle. Therefore, they are jointly and severally liable to pay the compensation to the petitioners. Therefore, the respondent No.2 is liable to indemnify/deposit the same.

17. First petitioner is the wife of deceased, the petitioner No.2 is the daughter and the petitioner No.3 is the mother of deceased. Therefore, major portion of the amount shall be awarded in favour of petitioner No.1. Hence, it is ordered that 50% shall be paid in favour of petitioner No.1, 30% shall be paid in favour of petitioner No.2 and 20% shall be paid in favour of petitioner No.3. Out of the amount awarded in favour of the petitioner No.1, 60% shall be released in favour of petitioner No.1 and remaining 40% shall be kept in Fixed Deposit in any Nationalized bank in her name for a period of three years. In respect of petitioner No.2, the entire awarded amount

shall be kept in Fixed Deposit in any Nationalized Bank in her name, till she attains the age of majority and the petitioner No.1 is permitted to withdraw periodical interest from the Bank. In respect of petitioner No.3, the entire awarded amount shall be released in her favour. Accordingly, I answer **Issue No.2 Partly in the Affirmative.**

18. **ISSUE No.3** :- In the result, I proceed to pass the following :-

ORDER

The claim petition filed **U/Section 166 of the Motor Vehicles Act, 1989 by the petitioners** is hereby partly allowed with costs.

The petitioners are entitled to get total compensation amount of **Rs.18,55,000/- (Rupees Eighteen Lakhs, fifty-five thousand Only)** with interest @ **6% P.A.**, from the date of petition, till its realization from the respondents.

The Respondent Nos.1 and 2 are liable to pay the compensation to the petitioners.

The respondent Nos.1 and 2 are jointly and severally are directed to deposit the entire compensation amount along with interest @ **6%** P.A., before the Tribunal from the date of petition till the date of payment, **within 2 months** from the date of award, failing which, the petitioners are at liberty to recover the same in accordance with law.

After deposit, the petitioners are entitled to apportion the compensation amount at the ratio of **50:30:20** respectively. 60% of the deposited amount shall be released in favour of petitioner No.1 on proper identification and remaining 40% shall be kept in Fixed Deposit in the name of petitioner No.1 in any Nationalized bank on her choice, for a period of three years.

In respect of petitioner No.2, the entire awarded amount shall be kept in Fixed Deposit in any Nationalized Bank in her name, till she attains the age of majority and the petitioner No.1 is permitted to withdraw periodical interest from the Bank.

In respect of petitioner No.3, the entire awarded amount shall be released in her favour on proper identification.

Advocate fee is fixed at Rs.2,000/-.

Draw award accordingly.

(Dictated to the Stenographer Grade-I, transcribed and computerized by him, corrected and then pronounced by me in the open Court on this **18th day of July, 2026**)

(H.A. MOHAN)

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF CLAIMANTS :-

- P.W.1. Smt. K. Saaswathi.
P.W.2. Nayakula Nagaraju.

LIST OF EXHIBITS MARKED ON BEHALF OF CLAIMANTS :-

- Ex.P.1. Certified copy of F.I.R.
Ex.P.2. Certified copy of Complaint.
Ex.P.3. English translation of Ex.P.2.
Ex.P.4. Certified copy of spot panchanama.
Ex.P.5. English translation of Ex.P.4.
Ex.P.6. Certified copy of Diary Part 2.
Ex.P.7. English translation of Ex.P.6.
Ex.P.8. Certified copy of statement of Kuruba Mallamma.
Ex.P.9. English translation of Ex.P.8.

- Ex.P.10. Certified copy of statement of Kuruba Siddappa.
- Ex.P.11. English translation of Ex.P.10.
- Ex.P.12. Certified copy of statement of Kuruba Aruna.
- Ex.P.13. English translation of Ex.P.12.
- Ex.P.14. Certified copy of statement of Nayakula Nagaraju.
- Ex.P.15. English translation of Ex.P.14.
- Ex.P.16. Certified copy of Inquest Report/panchanama of deceased Ajay Kumar.
- Ex.P.17. English translation of Ex.P.16.
- Ex.P.18. Certified copy of P.M. Report of deceased.
- Ex.P.19. Certified copy of charge sheet.
- Ex.P.20. Notarized copy of Aadhaar card of the petitioner No.1.
- Ex.P.21. Notarized copy of Aadhaar card of the petitioner No.3.
- Ex.P.22. Notarized copy of Aadhaar card of the petitioner No.2.
- Ex.P.23. Notarized copy of Aadhaar card of the deceased Ajay Kumar.
- Ex.P.24. Notarized copy of Death certificate of the deceased Ajay Kumar.
- Ex.P.25. Notarized copy of Registration certificate of vehicle bearing No.AP-03/TA-1792.
- Ex.P.26. Notarized copy of Permit of vehicle No.AP-03/TA-1792.

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :-

// NIL //

**LIST OF EXHIBITS MARKED ON BEHALF OF
RESPONDENTS :-**

// NIL //

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.