KAMD710001062022

<u>IN THE COURT OF PRL. SENIOR CIVIL JUDGE & MACT, SRIRANGAPATNA</u>

:<u>Present</u>:
Sri.Mohanagowda M.E
B.A. L.L.B.,
Principal Senior Civil Judge & JMFC
Srirangapatna

<u>Dated this the 10th day of July 2026</u>

<u>MVC.No.87/2022</u>

Petitioner/s : 1. Sri.Ramesh,
S/o late Siddappa,
Aged about 46 years,
2. Smt.Hemavathi,
W/o Ramesh,
Aged about 36 years,
Both are R/at
T.M.Hosuru village,
K.Shettahalli Hobli,
Srirangapatna Taluk,
Mandya District

(By Sri.A.K.-Adv.)

V/s

Respondent/s : 1. Sri.Kirthi.K.M.,
S/o Mahesh,
R/at Kudalakuppe village,
Ballenahalli post,
K.Shettahalli Hobli,
Srirangapatna Taluk,
Mandya District.

2. The Manager,
TATA A.I.G General Insurance
Company Limited,
No.69, 2nd stage, J.P and Devi
Jambhukeshwara Arcade,
Millars road,
Bangalore-560052

(R1 by Sri.G.N.R.-Adv.,
R2 by Sri.D.G.N.Adv.,)

:: J U D G M E N T ::

The petitioner filed the present petition under Section.166 of the Motor Vehicles Act, 1989, seeking compensation of ₹35,50,000/- with interest for the death suffered in the Motor Vehicle Accident.

2. **The brief facts of the petitioner's case are as follows**:

On 27.08.2021, Bharat R., son of the petitioner, was working as a cleaner in Tata ACE vehicle bearing Registration No.KA-11-B-6526. After attending the Huchamma Temple fair at Seehalli Village, T. Narasipura Taluk, and completing temple rituals, he was returning in the said vehicle along with others. At about 5.30 p.m., near Mandyakoppalu Village on the Srirangapatna–Bannur Main Road, the vehicle, driven by Keerthi, was driven at a high speed and in a rash and negligent manner, resulting in the driver losing control and the vehicle overturning. Bharat R., who was seated beside the driver, sustained grievous injuries to his head, face, and other parts of his body. The other occupants also suffered injuries. The injured were immediately shifted to the Government Hospital, Srirangapatna. As Bharat R. had sustained severe head injuries, he was referred to K.R. Hospital, Mysuru, for higher treatment. However, while being shifted to Mysuru, he succumbed to the injuries and died on the way at about 7.30 p.m. At the time of accident, the victim was 19 years of age and was earning Rs.20,000/- per month. The petitioners are the dependents of victim. The jurisdictional police registered FIR against the driver of offending vehicle for the offences punishable under Secs.279, 337 and 304A of IPC and thereafter filed the charge sheet. Hence, this petition.

3. After service of notice, respondent No.1 and respondent No.2 appeared through their counsels and filed objections. The respondent No.2 seeks protection under Secs.134(c), 149(2) and 170 of MV Act. The respondents denied nature of accident, rash and negligent driving of the offending vehicle. The respondents denies the quantum of compensation claimed in the petition as excessive and baseless. The respondents also denied all other material averments of the petition. Hence, it is prayed to dismiss the petition.

4. Learned counsel for the petitioner relied on the following judgments :

a) *The Hon'ble High Court of Karnataka in MFA.No.5572/2009 M.F.A.No.5524/2014 between The Manager, I.C.I.C.I, Lambord General Insurance Company, Ltd., Vs Muniyappa & another, dated 4th*

November 2024.

b) The Hon'ble Supreme Court of India in SLP (c)No.5885/2019 between Manjusha & others Vs United India Assurance Company Limited & another, dated 25th July 2025.

c) The Hon'ble Supreme Court of India in SLP (c)No.@ Diary No.(s).47285/2018 between Kavita Devi & others Vs Sunil Kumar & another, dated 06th August 2025.

d) The Hon'ble Supreme Court of India in SLP (c)No.25590/2014 between National Insurance Company Limited Vs Pranay Sethi & others, dated 31st October 2017.

e) The Hon'ble High Court of Karnataka in MFA.No.7089/2016 (MV-D) C/W MFA.No.6824/2016 (MV-D) between The Legal Manager Vs Smt.Nagamma, dated 19th September 2024.

f) The Hon'ble High Court of Karnataka in MFA.No.202022/2016 (MV) between Dr.Narasimulu Nandini Memorial Education Trust Vs Banu Begum & others, dated 8th July 2022.

g) The Hon'ble High Court of Patna, in Miscellaneous Appeal No.443/2019 between Shri Ram General Insurance

Co.Ltd Vs Radha Devi & others, dated 06.08.2024.

5. Learned counsel for the respondent No.2 relied on the following judgments :

a) *[2010 Kant MAC 407 (Kant)], The Hon'ble High Court of Karnataka in MFA.No.5700/2006 (MV), between United India Insurance Co.Ltd V/s Anjinamma & another, dated 19.03.2010.*

b) *The Hon'ble Supreme Court of India in [2009 Kant MAC 406 (SC)] in C.A.No.7399/2008 arising out of SLP (c).No.1575/2007, between National Insurance Co.Ltd V/s Rattani & others, dated 18.12.2008.*

I have carefully perused the above rulings submitted by the counsels. The Hon’ble Apex court in Sumtibai v. Paras Finance Co. Regd. Partnership Firm Beawer (Raj.), (2007) 10 SCC 82 affirmed that a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision. The ratio of any decision must be understood in the background of the facts of that case. With utmost respect to the above cited judgments this court appreciates the evidence on record in the light of judgments cited by this court in this judgment as, in my humble opinion, they are aptly applicable to the facts of this case. Further, in my humble view few cited decisions can be distinguished on facts and the ratio in the above cases isn't applicable to the facts and circumstances of this case.

6. On the basis of pleadings the following issues were framed by the court:-

ISSUES

1. Whether the petitioners prove that on 27.08.2021 at 5.30 p.m. on Bannuru – Srirangapatna main road, near Mandyada Koppalu village, the driver of the TATA ACE vehicle bearing Reg.No.KA-11-B-6526 had driven the said vehicle in a rash and negligent manner and the said vehicle has lost the control and it was toppled and as a result, the son of the petitioner that is Bharath who is the passenger of the said vehicle sustained grievous injuries and succumbed to the said injuries?
2. Whether the petitioners prove that they are the legal heirs of deceased Bharath?

3. Whether the petitioners are entitled for compensation as prayed for? If so, at what rate? from whom?
4. What Order or award?

7. In support of the case, PW-1 was examined and Ex.P-1 to Ex.P-5 were marked. On the other hand, in support of the defense of Respondent No.2 the Associate Legal as examined as RW1 and Ex.R-1 and Ex.R-2 were marked.

8. Heard the argument and perused the records. The findings of this court to the above issues are as follows:

Issue No.1: In the Affirmative
Issue No.2: In the Affirmative
Issue No.3: In the Partly Affirmative
Issue No.4: As per final order
for the following;

R E A S O N S

Issue No.1

9. The case of the petitioner is already narrated at the inception of this judgment. Hence, without repeating

the same, this Court proceeds to appreciate only the material evidence on record.

10. In order to substantiate the contentions of the petition, PW1 reiterated the averments made in the petition during the examination-in-chief and marked several documents. The oral evidence adduced by the petitioners stands corroborated by the documentary evidence on record. Ex.P-1 to 5 were marked on behalf of the petitioners. Ex.P-1 is true copy of FIR, Ex.P-2 is true copy of complaint, Ex.P-3 is true copy of spot mahazar, Ex.P-4 is true copy of MV report and Ex.P-5 is true copy of charge sheet.

11. In order to substantiate the contentions of the objection, Respondent No.2 the Associate Legal as examined as R.W.1, reiterated the averments made in the objection during the examination-in-chief and marked Ex.R.1 and Ex.R.2. Ex.R-1 is authorization letter and Ex.R-2 is copy of insurance policy.

12. Respondent No.2 cross-examined PW1 & PW2 at length. It is a well-settled principle of law that mere suggestions are insufficient to dislodge or disprove a

party's case. Suggestions made during cross-examination have no evidentiary value. In the absence of substantive evidence or any material elicited during cross-examination, the Court cannot base its conclusion on mere suggestions. The Hon'ble High Court of Gujarat, in Legal Heirs of Umedmiya R. Rathod v. State of Gujarat (First Appeal No. 5952 of 1995), has affirmed this principle. In the present case, although learned counsel for the respondent put several questions during the cross-examination of PW1 & PW2 to impute negligence on the part of the victim, but all such questions were answered in the negative. Except for mere suggestions and denials, no significant material was elicited. Hence, there is no reason to disbelieve the testimony of PW1 & PW2.

13. According to the charge sheet, offending vehicle was driven in a rash and negligent manner and thereby caused the accident. The police have accordingly filed a charge sheet against the driver of offending vehicle for offences punishable under Sections 279, 337 and 304A of IPC. On careful scrutiny of charge sheet this Court

finds no reason to disbelieve the report of police officer filed during discharge of official duties.

14. At this juncture it is worth to refer to the decision reported in Bimla Devi and others v. Himachal Road Transport Corporation and others (2009) 13 SCC 530, wherein the Hon'ble Apex Court observed that in petitions before Motor Accident Claims Tribunals strict proof of an accident caused by a vehicle in a particular manner may not be possible to be done by the claimants, they are merely required to establish their case on the touchstone of preponderance of probability. Further, the Hon'ble High Court of Karnataka in Mallamma Vs. Balaji and Others ILR 2003 Kar 493 held that filing of the charge sheet against the driver is also a prima-facie case to hold that, the driver of the offending vehicle was responsible for the accident and burden shifts on him to disprove the same.

15. The Hon'ble Allahabad High Court in Anoop Maheshwari v. Shiv Kumar Singh & Others, 2022 SCC OnLine All 1181, held that the burden of proving contributory negligence lies upon the respondents. It is the duty of the driver of the offending vehicle to explain

the accident. In the present case, the driver of offending vehicle has not entered the witness box to offer any explanation. As the driver is the only person with special knowledge of the facts, his failure to testify significantly weakens the respondents' case. In the absence of such crucial evidence and considering the corroboration from the charge sheet, this Court finds no reason to disbelieve the version of the petitioner. Accordingly, Issue No.1 is answered in the Affirmative.

<u>Issue No.2 & 3</u>

16. Since both issues are inter-connected to each other, both issues are taken up for discussion together in order to avoid repetition of facts.

17. The Hon'ble Supreme Court in Kajal v. Jagdish Chand, (2020) 4 SCC 413 held that amongst the poorer strata of society, bills are not retained limiting the amount only to the bills which have been paid in the name of the claimant only, would not be reasonable. Further, the court takes judicial notice that when accidents take place the family members would be mentally devastated, it would be irrational to expect them

to keep account, bills, receipts etc for each and every thing, accordingly this court deems it proper to award realistic expenses an ordinary prudent man would incur for the heads discussed below.

18. Further, it is pertinent to note that while awarding compensation, the court has to assess both pecuniary and non – pecuniary damages. In this regard the Hon'ble Supreme Court reported in R.D. Hattangadi V/S Pest Control (India) Pvt. Ltd And Others (1995) 1 S.C.C. 551 held in its very nature whenever a tribunal is required to fix the amount of compensation in cases of accident, it involves some guesswork, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused, but all the aforesaid elements have to be viewed with objective standards.

19. Further, it is a well-settled proposition of law that "just compensation" should include all elements that would go to place the victim in as near a position as she or he was in, before the occurrence of the accident. It is neither a bonanza nor a windfall, and simultaneously, should not be a pittance. No amount of compensation can erase the trauma, pain and suffering that a victim

undergoes after a serious accident, or replace the loss of a loved one. The measure of compensation must reflect a genuine attempt of the law to restore the dignity of the being. Yardsticks of compensation should not be so abysmal as to lead one to question whether our law values human life.

20. Considering the ratios laid down in the above judgments this court deems it proper to appreciate the facts objectively. For clarity and convenience, the compensation is considered under the following heads:

(A) Loss of dependency: Dependents, Income of deceased and Multiplier

(B) Loss of Future Prospects

(C) Loss of Consortium, Loss to Estate, Funeral expenses and Enhancement

(D) Apportionment

(E) Liability and interest

<u>(A) LOSS OF DEPENDENCY</u>

<u>Dependents</u>

21. The petitioners claim to be the dependents of the deceased. The relationship is not disputed. However,

it is the specific contention of learned counsel for respondent No.2 that the petitioners are parents of the deceased and are not financially dependent on him; therefore, they are not entitled to compensation.

22. It is to be noted that even assuming the petitioner are gainfully employed and not financially dependent on the deceased, their right to claim compensation cannot be denied. The legal representatives of a deceased person are entitled to apply for compensation, even if they are major, employed, and not dependent on the deceased. This view is supported by the Hon'ble Supreme Court in National Insurance Company Ltd. v. Birender & Others, (2020) 11 SCC 356. Further, the Hon'ble High Court of Karnataka in Reliance General Insurance Co. Ltd., Vs. Gangappa Saunshi and Others, M.F.A.No.102868 of 2014 held that even if the dependency is relevant criteria to claim compensation for loss of dependency, it does not mean financial dependency and the dependency includes gratuitous service dependency, physical dependency, emotional dependency and psychological dependency so on and so

forth, which can never be equated in terms of the money. That even married sons and daughters are entitled for compensation not only on conventional dependency. In view of the above ruling, this court holds that the present petitioner are dependents of the deceased. Hence, the petitioner in the present case are entitled to claim compensation.

Income of victim

23. To prove the age of victim, as per copy of postmortem report is produced before the Court and according to that document the age of victim was 18 years as on the date of the incident, hence the same is accepted as age is the victim.

24. Further, it is contended that the victim was earning more than Rs.20,000/- p.m, however to prove the income petitioner has not produced any documents.

25. As per the directions of the Hon'ble Apex Court in Hitesh Nagjibhai Patel Vs Bababhai Nagjibhai Rabari & Anr 2025 INSC 1070 the tribunals shall, assessing the income victim, consider the minimum wages payable to a skilled workman and it is the duty of insurance company

to furnish details of minimum wage issued by the concerned government to the Tribunal. In the present case the insurance company has not produced details of minimum wages issued by concerned Government. The Hon'ble High Court of Karnataka in Ananda Vs. Arun and Another M.F.A. No.101144 of 2020 held that in the absence of any material produced by the claimant to prove his income, it is appropriate to assess the notional income of the injured claimant as fixed by the Karnataka State Legal Service Authority for the year of accident as it is in general conformity with the wages fixed under the Minimum Wages Act. The above position of law is affirmed in by Hon'ble Division bench High Court Karnataka in Nanjappa V. Chand Pasha MFA 4877 of 2021 and it was further held that Minimum Wages Act does not give any Table of notional income to assess income of a victim of an accident, since Motor Vehicle Act is a benevolent legislation courts have to take the income which is beneficial to claimants. In the present case, the accident took place on 27.08.2021. Considering the notional income fixed by the Karnataka State Legal Service Authority as guiding principle this court deems it proper to consider income of the victim as Rs.15,000/- per month.

26. There are 2 petitioners in this case and they claim to be dependents of the deceased. Considering the ratio laid down by Hon'ble Apex Court in Smt.Sarla Verma and others vs Delhi transport Corporation and others case, out of the entire income of deceased, **½** of income is deducted towards personal and living expenses of the deceased. Accordingly, after deductions the net income of the deceased would be Rs.7,500/- per month.

27. Considering the age, income of the victim and the guidelines of Hon'ble Apex Court in Smt.Sarla Verma and others vs Delhi transport Corporation and others, the total loss of dependency would be as under:

Monthly Income	Annual Income	Multiplier	Loss of Dependency
7500	90000	18	1620000

<u>(B) LOSS OF FUTURE PROSPECTS</u>

28. The Hon'ble Apex Court in National Insurance Co. Ltd.,Vs. Pranay Sethi and Others provided the chart

for the age of the victim and percentage of future prospects, it is as under:

> *"If the deceased is self employed or fixed salary, his age below 40 years, future prospects is 40%, if the deceased between 40 to 50 years age, future prospects is 25%, if the deceased between 51 to 60 years age, future prospects is 10% and if the deceased more than 60 years, no addition as future prospects".*

29. In the present case, considering the total Loss of Future Earnings of the victim, age and nature of employment the loss under the head of Loss of Future Prospects would be as under:

Loss of Dependency	Future Prospects %	**Loss of Future Prospects**
1620000	40	**648000**

(C) LOSS OF CONSORTIUM, LOSS OF ESTATE, FUNERAL EXPENSES AND ENHANCEMENT

30. The love and affection lost falls under the head of consortium, which includes spousal, parental, and

filial consortium. This position is supported by the Hon'ble Supreme Court in United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur & Others, 2020 SCC OnLine SC 410. To bring uniformity and avoid arbitrariness in awarding amounts under conventional heads such as loss of consortium, loss of estate, and funeral expenses, the Hon'ble Supreme Court in Pranay Sethi (supra), particularly in paragraph 52, has fixed a reasonable amount under each head: ₹40,000/- for loss of consortium, ₹15,000/- towards loss of estate, and ₹15,000/- for funeral expenses. Further, the Hon'ble Apex Court in Shri Ram General Insurance Company Limited Vs Bhagat Singh Rawat, Civil Appeal No.2410/2023, held that loss of consortium cannot be granted to each petitioner and the total compensation would be ₹40,000/- irrespective of number of petitioners. Accordingly, in the present case, under the head of consortium ₹40,000/- is awarded. Further, ₹15,000/- is awarded under the head of loss of estate and ₹15,000/- towards funeral expenses.

31. The Hon'ble Apex Court further observed in Pranay Sethi (supra) that the aforesaid amounts (loss of consortium, loss of estate and funeral expenses) should be enhanced at the rate of 10% in every three years. The judgment in Pranay Sethi, (referred supra) has been delivered on 31-10-2017, the accident took place on 27.08.2021, as such 3 years have elapsed. Thus, petitioners are entitled to 10% enhancement in the aforesaid amounts. Hence, the total compensation under these three heads would be as under:

Consortium	40000
Loss of Estate	15000
Funeral Expenses	15000
Enhancement %	10
Total	77000

32. In view of the above, the petitioners are entitled to compensation under the following heads:

Loss of Dependency	1620000
Loss of Future Prospects	648000
Consortium, Loss of Estate, Funeral expenses	77000
Total	**2345000**

33. In view of the above discussion and findings, this Tribunal holds that the petitioner is entitled to a total compensation of ₹23,45,000/- with interest.

(D) <u>APPORTIONMENT</u>

34. The parents of the deceased are completely dependent on victim, accordingly this Court deems it proper to award 60% of compensation to mother i.e., petitioner No.2 & 40% of compensation to father i.e., petitioner No.1.

(E) LIABILITY AND INTEREST

Driving License

35. Charge sheet submitted by IO does not reveal that driver of offending vehicle was driving the vehicle without valid and effective DL. Hence, it is held that, the driver of offending vehicle was holding valid and effective D.L. as on the date of alleged accident.

Insurance Policy and liability

36. Insurance of the vehicle was in force at the time of accident. Although respondent No.2 raised several contentions in its objection statement, it has not adduced any evidence to prove that respondent No.1 violated any terms or conditions of the policy. Accordingly, respondent No.2, being the insurer of respondent No.1, is bound to indemnify the insured.

37. The respondent No.2 contended that the vehicle was not holding valid F.C. and permit at the time of accident. The respondent No.2 issued notice under Order 12 Rule 8 of CPC to respondent No.1 & petitioner to produce permit and fitness. However, respondent No.2 cannot seek the said documents from the petitioner as he

is not the owner of the vehicle. Respondent No.1 failed to produce permit and fitness certificate, hence, adverse inference can be drawn against the respondent No.1. The Hon'ble Supreme Court in National Insurance Co. Ltd. v. Challa Upendra Rao And Others 2004 INSC 537 held that in the absence of permit to ply a vehicle amounts to violation of policy terms, however considering the beneficial object of the Act, it would be proper for the insurer to satisfy the award and recover the amount from the insured. The Hon'ble High Court of Karnataka in The Branch Manager V. Ningamma MFA 1425 of 2021 held that absence of valid permit or fitness certificate is not a fundamental breach, but a technical breach, hence the insurance company is liable to pay the compensation to the claimants and recover the same from the insured. In view of the above, the insurance company is liable to pay the petitioner and recover the same from insured.

38. Further, respondent No.2 contended that the deceased was not working as a cleaner in the said vehicle. The Court takes judicial notice that it would be irrational to except appointment letter and salary details in such unorganized sector wherein most of the

recruitment's are done on daily basis and payments are made in cash. The PW.1 & PW.2 stated that the deceased was cleaner on that day, the deceased went along with the driver to sell some cattle in a festival and while coming back the accident took place. Further, there is no law which says that a friend of a driver cannot be hired by the driver as a labour. The respondent No.2 has not led any evidence and not examined the owner of the vehicle to disprove the contentions of PW.1 & 2, hence, there is no reason to disbelieve the version of PW.1 and PW.2.

39. Further on perusal of copy of insurance as Ex.R-2, it reveals that insurance premium Rs.50/- was paid towards "liability to employee". In view of the payment of such premium the judgments relied upon by the respondent No.2 are not applicable to the present case as facts are completely different.

Interest

40. The Hon'ble Bombay High Court in Sangita v. Allanur SCC OnLine Bom 931 held that under Section 171 of the Motor Vehicles Act discretion vests with the

tribunal to award the interest at ‘such rate’ and from ‘such date’ over the compensation awarded and there is no statutory obligation cast upon the Tribunal to award the interest from the date of making application for compensation. Further, the Honbl'e Madhya Pradesh High Court in Bhayla Wangariya Bhilala v. Abdul Kayum, 1999 SCC OnLine MP 13 held that tribunal may or may not award interest. That the Tribunal is not bound to award it in all events. That it would all depend on facts and circumstances of the case leading to exercise of sound judicial discretion by the Tribunal. In view of the above judgments, this court is bound to use its discretion and decide whether the petitioners are entitled to the interest or not.

41. The Hon'ble High Court of Karnataka in The New India Assurance Co.Ltd., vs Shanthi Mascarenhas (2018) 6 Kant LJ 757 held that allowing interest even for the periods covered by the adjournments granted at the instance of the claimants, virtually amounts to unjust enrichment. That the courts shall specifically mention the number of adjournments sought by the claimants and no interest shall be awarded for the periods covered

by the adjournments granted at the instance of the claimants or their witnesses, unless there are very special reasons to be recorded in writing. In the present case, in view of the above judgment, this Court holds that the petitioner is not entitled to interest for the periods covered by adjournments granted at the instance of the claimants, as well as for the adjournments for which the petitioners themselves are responsible. The periods for which interest can not be granted is shown in below table:

Adjournments Caused By The Petitioner

From Date	**Till Date**
24.01.2023	10.03.2023
22.09.2023	02.04.2024
06.06.2025	04.07.2025

42. Respondent No.2 is liable to pay the entire compensation amount within two months from the date of the award, with interest at the rate of 6% per annum from the date of the petition excluding the period shown in above table. If the amount is not paid within the

stipulated time, it shall carry interest at the rate of 9% per annum until realization.

43. In view of the above facts, guidelines and reasons this court answers Issue No.2 in the Affirmative & Issue No.3 partly in the Affirmative.

ISSUE No.4

44. In view of the findings of this court on above issues this tribunal proceeds to pass the following;

O R D E R

The present petition U/s 166 of Motor Vehicle Act is hereby allowed in part, with costs.

The respondent No.1 and 2 are jointly and severally liable to pay compensation of ₹23,45,000/- to the petitioner.

Respondent No.2, shall pay the compensation amount to petitioner and later recover the same from respondent No.1.

Respondent No.2, shall pay the compensation amount within two months from the date of this Award, along with interest at the rate of 6% per annum from the date of filing of the petition, excluding the period shown in above table, till the date of payment. In the event of failure to pay the said amount within the stipulated period, the entire compensation shall carry enhanced interest at the rate of 9% per annum from the date of default till its actual realization.

APPORTIONMENT

In the compensation amount, Petitioner No.1 is entitled to 40%, petitioner No.2 is entitled to 60%, along with interest.

INVESTMENT

Respondent No.2, shall transfer 75% of share of Petitioner No.1 & 2 to *the bank account of Petitioner No.1 & 2along with interest. Further, Respondent No.2 shall invest the remaining 25% of share of Petitioner No.1 & 2with interest in F.D. in the name of Petitioner No.1 & 2 in the bank of petitioner for a period of 3 years. The petitioner is at liberty to withdraw the periodical interest accrued on the deposit amount from time to time, however the bank shall not permit any loan on the fixed deposit.*

Prior to transfer, the Insurance Company shall intimate the concerned bank by e-mail, enclosing a copy of the award, and request freezing of debit operations to the extent of the fixed deposit amount until the fixed deposit is opened. If no response is received within seven days, the Insurance Company shall *transfer the fixed deposit amount to the bank's Parking Account with instructions to open a fixed deposit in the petitioner's name and shall transfer remaining amount to the bank account of Petitioner/s. The bank shall comply with the award and file a compliance report before the Court along with copy of the fixed deposit receipt.*

Advocate fee is fixed at Rs.1000/-.

Petitioners shall submit Affidavits furnishing their nationalised bank account details with IFSC along with cancelled cheques having their names within 30 days from today. Petitioners shall also submit Copy of bank account passbooks, Aadhaar cards, and PAN cards. The counsel for petitioners shall verify the authenticity of the *details and submit the same to the office along with memo.*

Pending Clerk and CMO shall verify and endorse the correctness of the bank details in the order sheet to enable drawing of the award.

Office to include all above details of petitioners and draw award after receipt of memo from the counsel for petitioners.

The Respondent shall transfer the awarded amount to the bank account(s) specified in the award and intimate this tribunal.

Failure to furnish the aforesaid details within thirty days shall dis-entitle the petitioners to interest until such compliance.

(Dictated to the stenographer, typed by stenographer directly on computer, after corrections, pronounced by me in the open Court on 10th July 2026)

(Mohanagowda M.E)
Prl.Senior Civil Judge & MACT,
Srirangapatna

:: ANNEXURE ::

1. List of witness examined for the petitioner/s:

P.W-1 : Hemavathi
P.W-2 : Devaraju

2. List of Documents exhibited for the petitioner/s:

Ex.P-1 : True copy of FIR
Ex.P-2 : True copy of complaint
Ex.P-3 : True copy of spot mahazar
Ex.P-4 : True copy of MV report
Ex.P-5 : True copy of charge sheet

3. List of witness examined for the respondent/s:

RW.1 : Kalyan Kumar B

4. List of Documents exhibited for the respondent/s:

Ex.R-1 : Authorization letter
Ex.R-2 : Copy of insurance policy.

(Mohanagowda M.E)
Prl.Senior Civil Judge & MACT,
Srirangapatna