

KACN310001552021



Presented on : 20-02-2021
Registered on : 20-02-2021
Decided on : 02-07-2026
Duration : Years Months Days
05 04 12

**IN THE COURT OF SENIOR CIVIL JUDGE & ADDL.
MACT., KOLLEGALA.**

Dated this the 02nd day of July, 2026

PRESENT:

Smt. Sunitha B.Com. LL.M., PGDFCS
Senior Civil Judge & Addl. MACT, Kollegal.

M.V.C. No: 64/2021

Petitioners :

1. Smt. Ranjitha Mary
W/o Late Shesuraju,
Aged about 56 years,
2. Kalai Selvi
D/o Late Shesuraju,
Aged about 36 years,
3. Deepak Chakravarthi
S/o Late Shesuraju,
Aged about 31 years,

4. Rayappan
S/o Late Shesuraju,
Aged about 27 years,
5. Chinnappan
S/o Late Shesuraju,
Aged about 27 years,
6. Chandrakala
D/o Late Shesuraju,
Aged about 25 years,
7. Praveen Babu
S/o Late Shesuraju,
Aged about 22 years,
8. Shalini
D/o Late Shesuraju,
Aged about 20 years,
9. Malini
D/o Late Shesuraju,
Aged about 20 years,
10. Jaksin Jelifer
S/o Late Shesuraju,
Aged about 18 years,

All are residing at
Palimedu village, Martalli post,
Ramapura Hobli, Hanur Taluk,
Chamarajanagar District.

[By Sri. N. Prakash, Advocate]

V/s.

- Respondents :**
1. Ananda
S/o Nanjundaswamy,
Aged about 26 years,
R/o Puttashetty Doddi, Jageri,
Satthegala, Kollegala Taluk,
Chamarajanagar District.
 2. M.D. Raju
S/o Doddarajashetty,
Age: Major,
R/o Mavinahalli village,
Talakadu Hobli, T. Naraipura Taluk,
Mysuru District.

[R1, 2 By Sri. P. Hamanth Kumar, Advocate]

J U D G M E N T

The petitioner No: 1 being the mother and petitioner No: 2 to 10 are the brothers and sisters of the deceased, have filed the present petition under Section 166 of the Motor Vehicles Act seeking compensation of ₹. 71,00,000/- with interest at 18% per annum.

2. The case of the petitioners are as under:

That on 12.11.2020 at about 08.30 PM., the David Periyannayagam S/o Sheshuraj along with Madaliswamy @ Shetu and Sheshuraju were proceeding in a Bajaj Pulsar vehicle bg. No: KA-10-V-6138, at that time, one Goods vehicle bg. No: KA-05-AD-8774 came from

Kollegala side in rash negligent manner and in between Dhanagere – Satthegala village on Kollegala – Malavalli Highway road, while overtaking the vehicle going ahead dashed against the motor cycle which was coming on its left side and fled from the spot. As a result of the accident all the three persons proceeding in the motor cycle died at the spot.

3. It is stated that prior to the accident the deceased was hale and healthy. He was working as an agriculturist and also engaged in coolie work for his livelihood. He used to earn ₹. 30,000/- per month maintaining his family. Due to his sudden death the petitioners have lost their breadwinner and have suffered loss of income, loss of love and affection, mental shock and agony, and hardship.

4. The 1st petitioner is the mother, petitioner No: 2 to 3 are the brothers who entirely depending upon the income of the deceased. Due to the sudden death they lost bread earner and lost love and affection of the deceased. Therefore the petitioners have chosen to file this petition for seeking compensation from the respondents. Hence they pray for allowing the petition.

5. The 2nd respondent appeared and filed his written statement wherein denied entire case of petitioner and specifically denied the involvement of the offending vehicle and also denied the dependency of the petitioners to the deceased. Further denied age, occupation and income of the deceased. Accordingly prayed for dismissal of the petition.

6. Even though the respondent No: 1 has appeared before this tribunal failed to file written statement.

7. Based on the above pleadings, my Predecessor-in-office has framed the following:

ISSUES

1. *Whether the petitioners prove that, the deceased Devid Periyamayagam S/o Late Seshuraju was the victim of the motor vehicle accident caused on account of the negligence driving of the driver of the Goods vehicle bg. No: KA-05-AD-8774 on 12.11.2020 at about 08.30 PM near Dhanagere village on Malavalli – Kollegala main road and succumbed to the injuries as pleaded in the petition?*
2. *Whether the petitioners are entitled for compensation? If so, to what amount? From whom?*

3. *Whether the respondent No: 2 proves that, it is not liable to pay compensation as pleaded in their objections?*
4. *To what order or award?*

10. The 1st petitioner examined herself as PW1 and got exhibited Ex.P1 to 11 documents. The respondents side have not examined any witness nor got marked documents.

11. After conclusion of the trial, I have heard the arguments addressed by the Learned Advocates on both sides.

12. My findings to the issues are as follows:

Issue No: 1: In the affirmative

Issue No: 2: Partly in the affirmative

Issue No: 3: In the negative

Issue No: 4: As per final order for the following:

REASONS:

13. Issue No: 1: This petition is filed by petitioner for seeking compensation from the respondents. In order to substantiate their case the 1st petitioner examined herself as PW1 and reiterated the averments made in the claim petition. The evidence of PW1 has remained unchallenged and uncontroverted as the respondents have not chosen to cross-examine her. The petitioners

have produced documentary evidence consisting of Ex.P1 which is the certified copy of FIR, Ex.P2 is the certified copy of Complaint, Ex.P3 is the Genealogical Tree, Ex.P4 is the Certified copy of Charge Sheet, Ex.P5 is the Spot Sketch, Ex.P6 is the IMV Report, Ex.P7 is the Spot Panchanama/ Sketch, Ex.P8 and Ex.P9 are the Seizure Mahazars, Ex.P10 is the Inquest Report, Ex.P11 is the Post-mortem Report etc.

14. The FIR and Complaint disclose that immediately after the accident a criminal case was registered against the driver of the offending Goods Vehicle No: KA-05-AD-8774 for the offences punishable under Sections 279 and 304-A of IPC R/w Section 187 of the IMV Act. The Charge Sheet discloses that after completion of investigation also attributes negligence to the driver of the offending Goods Vehicle for the offences punishable under Sections 279 and 304-A of IPC read with Sections 146, 180, 181, 184, 187 and 196 of the IMV Act. The Spot Sketch, IMV Report, Seizure Mahazars, Inquest Report and Post-mortem Report corroborate the case of the petitioners regarding the occurrence of the accident and the death of Devid Periyamayagam due to the injuries sustained therein.

15. Though the 2nd respondent has filed a written statement denying the manner of accident, involvement of the offending vehicle, age, occupation, income of the deceased and dependency of the petitioners, no oral or documentary evidence has been adduced on behalf of the respondents. The owner and driver of the offending vehicle has also not entered the witness box to rebut the evidence produced by the petitioners. The written statement unsupported by evidence, has no evidentiary value.

16. The police records coupled with the unrebutted testimony of PW.1 sufficiently establish that the accident occurred due to the rash and negligent driving of the driver of the offending Goods Vehicle. Therefore this Tribunal is satisfied that the petitioners have successfully proved that the deceased Devid Periyamayam sustained fatal injuries in the motor vehicle accident caused due to the rash and negligent driving of the Goods Vehicle bearing Registration No: KA-05-AD-8774 and succumbed to the injuries at the spot. Therefore **Issue No: 1 is answered in the Affirmative.**

17. Issue No: 2: The petitioners have established that the accident occurred due to the negligence of the

driver of the offending goods vehicle. Though the 2nd respondent has denied the accident, involvement of the vehicle, dependency, age, occupation and income of the deceased in the written statement, no evidence has been adduced to substantiate such denial. PW1 has not been cross-examined and therefore her testimony remains unchallenged and unrebutted. The driver/1st respondent of the offending vehicle has also not entered the witness box. Consequently an adverse inference is liable to be drawn against the respondents. Hence this Tribunal holds that the accident occurred solely due to the rash and negligent driving of the offending goods vehicle and the deceased Devid Periyamayagam succumbed to the injuries sustained in the accident.

18. With regard to quantum though the petitioners have pleaded that the deceased was earning ₹. 30,000/- per month by doing agriculture and coolie work no documentary evidence has been produced to establish the same. Therefore considering the year of accident i.e. 2020 the notional monthly income of the deceased is taken at ₹. 13,750/-.

19. As the deceased was below the age of 40 years 40% is added towards future prospects. Thus the

monthly income comes to ₹. 19,250/-. Since the deceased was unmarried 50% of the income is deducted towards his personal and living expenses. ₹. 19,250 – 50% = ₹. 9,625/- contribution to the family per month. The annual contribution is **₹. 1,15,500/-**.

Applying the multiplier of '16' the loss of dependency/- works out to ₹. 1,15,500 x 16 = ₹. 18,48,000/-. Apart from the loss of dependency the petitioners are entitled to compensation under the conventional heads as recognized by law. Loss of Dependency: **₹. 18,48,000/-**. Funeral Expenses: **₹. 15,000/-** and Loss of Estate: **₹. 15,000/-**. Since the mother being the legal representative is entitled to filial consortium of **₹. 40,000/-**. The brothers & sisters/petitioner No: 2 to 10 are entitled for **₹. 40,000/-** each towards love and affection.

20. Accordingly the petitioners are entitled to compensation under the following heads.

<i>Loss of dependency</i>	₹. 18,48,000/-
<i>Loss of estate</i>	₹. 15,000/-
<i>Funeral expenses</i>	₹. 15,000/-
<i>Consortium, love & affection ₹.40,000/-x 10</i>	₹. 4,00,000/-
Total	₹. 22,78,000/-

Thus the petitioners are entitled to a total compensation of **₹. 22,78,000/-** together with interest at 6% per annum from the date of petition till the date of realization.

21. As regards liability the charge sheet discloses offences under Sections 146, 180, 181, and 196 of the MV Act indicating that the offending vehicle was driven without a valid driving license and without insurance. The second respondent being the owner of the offending vehicle has neither contested the evidence nor entered the witness box. Therefore the second respondent being the owner of the offending vehicle is solely liable to pay the compensation with accrued interest to the petitioners. Accordingly **Issue No: 2 is answered partly in the affirmative.**

22. Issue No: 3: The petitioners have relied upon police records consistently establish that the accident occurred due to the rash and negligent driving of the offending goods vehicle.

23. Further PW1 has filed affidavit evidence reiterating the averments of the petition. Significantly PW1 has not

been cross-examined by Respondent No: 2. Therefore the testimony of PW1 remains unchallenged and there is no reason to disbelieve the same.

24. Moreover respondent No: 2 who is the owner of the offending vehicle has neither entered the witness box nor adduced any evidence. Likewise respondent No: 2 has also failed to examine any witness or produce any material to establish that the offending vehicle was not involved in the accident or that it is otherwise not liable to pay the compensation to the petitioners. Though the respondent No: 2 has disputed the dependency of petitioner Nos. 2 to 10 it has not placed any evidence to rebut the genealogy tree or the relationship of the petitioners with the deceased. Mere denial in the written statement without supporting evidence is insufficient to discharge the burden of proof. Therefore this Court holds that respondent No: 2 has failed to prove that he is not liable to pay compensation. Consequently **Issue No: 3 is answered in the Negative.**

25. Issue No: 4: In view of the above discussions and findings on Issue No: 1 to 3, I pass the following:

ORDER

The claim petition filed by the petitioners under Section 166 of MV Act is hereby allowed in part with costs.

The petitioner No: 1 is entitled to a total compensation of **₹. 19,18,000/-** (Rupees Nineteen Lakhs and Eighteen Thousand only) with interest at **6%** per annum from the date of petition till realization.

The petitioner No: 2 to 10 are entitled for **₹. 40,000/-** each and it shall be released upon proper identification.

Out of the compensation awarded to the petitioner No: 1, 50% shall be released and remaining 50% shall be deposited in any nationalized bank of her choice for a period of three years.

The respondent No: 2 is directed to deposit the award amount along with interest at 6% p.a within two months from the date of this order.

Draw decree accordingly.

Advocate fee is fixed at ₹. 1,000/-.

[Dictated to the stenographer directly on the computer, corrected by me and then pronounced in open Court on this the 02nd day of July, 2026].

(SUNITHA)

Senior Civil Judge & Addl.,
MACT., Kollegala.

ANNEXURE:

Witness examined in favour of the petitioners:

PW1 : Smt. Ranjitha Meri

Documents marked in favour of the petitioners:

Ex.P1	:	Certified copy of FIR
Ex.P2	:	Certified copy of complaint
Ex.P3	:	Genealogy tree
Ex.P4	:	Certified copy of charge sheet
Ex.P5	:	Certified copy of sketch
Ex.P6	:	Certified copy of IMV report
Ex.P7	:	Certified copy of sketch
Ex.P8	:	Certified copy of spot mahazer
Ex.P9	:	Certified copy of seizure mahazer
Ex.P10	:	Certified copy of inquest mahazer
Ex.P11	:	Certified copy of PM report

Witnesses examined in favour of respondent/s: - Nil -

Documents marked in favour of respondent/s: - Nil -

(SUNITHA)

Senior Civil Judge & Addl.
MACT., Kollegala.