

KADW050013332025



Presented on : 07-04-2025
Registered on : 09-04-2025
Decided on : 19.05.2026
Duration : 01 year, 01 months, 12 days

**IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE
& ADDL. M.A.C.T., DHARWAD.**

**Present : SMT. VIJAYALAXMI GHANAPUR
LLM,**

I Addl. Senior Civil Judge,
& Addl. M.A.C.T., Dharwad.

MVC No.263/2025

Dated this the 19th day of May 2026

Petitioner

1 Arti W/o. Subhaschandra Kori,
Age : 45 Years, Occ : Housewife,
R/o. Gyanba Layout,
Doddanayakankoppa, Dharwad.

2 Tejashwini D/o Subhaschandra Kori,
Age : 17 Years, Occ : Student,
R/o.Gyanba Layout,
Doddanayakankoppa, Dharwad.

(Since petitioner No.2 is minor,
she is R/by her mother ie.,
petitioner No.1 as her guardian)

(By Sri. K. H. Khazi., Adv)

V/s

Respondents : 1 Mr. Abdul Salam TK Tekke
Nangiyartha House, Nettur P O
Ernakulam, City:Ernakulum,
Dist:Ernakulum, State: Kerala-682040.

**(Owner of Truck Reg
No.KL-39-T-5730)**

2 The Manager,
United Insurance Co Ltd.,
R/o. Ankola Arcade,
Opp :Kalabhavan, P.B. Road,
Opp: District Court,
Dharwad-580001.

(Policy No.1013043124P101016845)
(Valid from 18.04.2024 to 17.04.2025)

3 Gursiddavva W/o Chandrashekarappa
Kori, Age : 75 years, Occ: House wife,
R/o: #1202, TMC Road, Nargund,
Tq : Nargund, Dist : Gadag-582207.

4 Chandrashekarappa S/o Magundappa
Kori, Age:80 years,
Occ : Retired Govt Servant,
R/o: #1202, TMC Road, Nargund,
Tq : Nargund, Dist : Gadag-582207.

(R-1 Exparte)

(R-2 By Sri. C. S. Benni., Adv)

(R-3 & 4 By Sri. B. K. Sullad., Adv)

: JUDGMENT :

The petitioners have filed this claim petition U/Sec.166(1) of M.V. Act against the respondents for seeking compensation of Rs.2,00,00,000/- along with interest at the rate of 18% p.a. on account of death of Subhaschandra S/o Chandrashekarappa Kori in a road traffic accident.

2. **The substance of the petition, in brief, are as under :**

Petitioners pleaded that, petitioner No.1 and 2 are the wife and daughter of deceased Subhaschandra S/o Chandrashekarappa Kori, who died in a road traffic accident occurred on 17.03.2025 at about 2.40 p.m. The respondent No.3 and 4 are parents of deceased Subhaschandra. When the deceased Subhaschandra S/o. Chandrashekarappa Kori was proceeding towards Mishra Pedha Industry at Yerikoppa Village on his motor cycle bearing Reg No.KA-25/EU-9712 from his Clinic Via Hubli-Dharwad Bypass road, near

Kelageri-Jamadhar weigh bridge, one driver of the lorry bearing Reg No.KL-39/T-5730 came from Hubli towards Belgaum in a rash and negligent manner without paying any attention to the deceased motor cycle he came to his right side and dashed to the deceased's motor cycle and caused accident, as a result of which the deceased fell from the motor cycle and caused fatal injuries to his head and other parts of the body and died on the way while shifting to the hospital.

3. After postmortem at Civil Hospital, Dharwad the corpse was handed over to the petitioners for funeral.

4. Prior to the accident deceased Subhaschandra S/o Chandrashekarappa Kori was hale and healthy, he was working as a BAMS Doctor and running a private clinic by name Shiv Krupa Clinic at Mishra Pedha Industry and earning Rs.1,50,000/- per month and same was contributing to the maintenance of his family. The petitioner No.1 is the wife and petitioner No.2 is the daughter of deceased Subhaschandra Kori were dependents, due to un-sudden

death, they have suffered mental agony, shock, loss of love and affection and also financial crises.

5. Jurisdictional police registered case against the driver of the Lorry bearing No.KL-39/T-5730 in Cr No.26/2025 U/Sec.281 and 106(1) of BNS, which is owned by respondent No.1 and insured with respondent No.2, hence both are jointly and severally liable to pay compensation to the petitioners. Hence, this petition is filed.

6. In response to the petition notices, respondent No.1 has not appeared before the Court and was placed ex-parte. Respondent No.2 has appeared before the Court through its counsel and filed objections. Respondent No.3 and 4 have appeared before the Court through their counsel and filed separate objections by admitting the relation and averments of the petition.

7. **The substance of objections of respondent No.2, in brief, is are under:**

The respondent No.1 is the owner of the Truck bearing Reg No.KL-39/T-5730 denied the petition averments in toto. Further specifically denied the age, occupation and income of the deceased Subhaschandra Kori. Further it is contended that, the accident occurred due to sole negligence of deceased Subhaschandra Kori, who rode the motor cycle without holding valid and effective DL and without wearing helmet. Further respondent No.2 contended that, petition is bad for non joinder of necessary parties as the owner and insurer of the motorcycle bearing Reg No.KA-25/EL-9712 were not made as parties to the petition. Further respondent No.2 denied that and contended that the respondent No.3 and 4 are not supporting the petitioners in filing this petition and they have been made as parties only to get higher compensation and also denied that the respondent No.3 and 4 are also dependents of the deceased. Hence, prayed to dismiss the petition.

8. **The substance of written statement of respondent No.3 and 4, in brief, is are under:**

The respondent No.3 and 4 are the parents of deceased Subhaschandra Kori. It is admitted that, petitioner No.1 is wife and petitioner No.2 is daughter of deceased Subhaschandra Kori. Further stated that they are parents and they are also entitle for share in the compensation amount. Hence, prayed to allow the petition with equal share among petitioners and respondent No.3 and 4.

9. Based on the above rival pleadings, the following issues framed :

ISSUES

1. **Whether the petitioners prove that on 17.03.2025 at about 2.40 p.m., when the deceased Subhaschandra S/o. Chandrashekarappa Kori was proceeding towards Mishra Pedha Industry at Yerikoppa Village on his motor cycle bearing Reg No. KA-25/EU-9712 from his Clinic Via Hubli-Dharwad Bypass road, near Kelageri-Jamadhar weigh bridge one driver**

of the lorry bearing Reg No.KL-39/T-5730 came from Hubli towards Belgaum in a rash and negligent manner without paying any attention to the deceased motor cycle he came to his right side and dashed to the deceased motor cycle and caused accident, as a result of which the deceased fell from the motor cycle and caused fatal injuries to his head and other parts of the body and died on the way while shifting to the hospital ?

2. Whether the petitioners are entitle for compensation? If so, what is the quantum of compensation and from whom ?

3. What order or award ?

10. To prove the case of the petitioners, the wife of deceased Subhaschandra Kori i.e., petitioner No.1 examined herself as P.W.1 and got marked Ex.P.1 to P.19. On the other hand, the Deputy manger of the respondent No.2 insurance company examined as R.W.1 and got marked Ex.R.3 to R.7.

Respondent No.3 and 4 have produced aadhar cards and same were got marked as Ex.R.1 and R.2.

11. Heard the learned counsel for petitioners, learned counsel for respondent No.2 and learned counsel for respondent No.3 and 4. The counsel for petitioners filed a memo along with citations viz ; 1) MFA No.201496/2023 of Hon'ble High Court of Karnataka, Kalburgi bench, 2) MFA No.102054/2023 & MFA No.103804/2023 of Hon'ble High Court of Karnataka, Dharwad bench, 3) MFA No.30331/2013, Hon'ble High Court of Karnataka, Kalburgi bench, 4) MFA No.102336/2016 Hon'ble High Court of Karnataka, Dharwad bench and 5) MFA No.388/2013 Hon'ble High Court of Karnataka, Bangalore bench. The learned counsel respondent No.2 also filed a memo along with citation i.e., 2026(1) JS.C.C.R. Perused the pleadings, oral and documentary evidence, memo along with citations filed by petitioners counsel and respondent No.2 counsel and entire materials available on record.

12. My findings on the above issues is as follows:

ISSUE No.1 : **In the Affirmative**
ISSUE No.2 : **Partly Affirmative**
ISSUE No.3 : **As per final order for
the following :**

REASONS

13. **ISSUE NO.1** : Petitioners stated that, Subhaschandra Kori died in a road traffic accident occurred due to the actionable negligence of driver of the lorry bearing Reg No.KL-39/T-5730. On the contrary, the respondent No.2 denied the same and contended that due to sole negligence of deceased Subhaschandra Kori only the accident occurred and he died in the said accident.

14. It is well settled position of law that, the proceedings under M V Act are summary in nature and it is beneficial legislation and the evidence required about negligence act is sufficient if it is in the nature of

preponderance of probability. It is also well settled that to claim compensation U/S 166 of MV Act it is sine-qua-non to demonstrate the actionable negligence on the part of tort-feasor, which is to be proved by preponderance of probability but not beyond shadow of doubt as required in a criminal trial. Initial burden is on the petitioners to demonstrate the actionable negligence on the part of driver of the lorry in question. In this backdrop let me scrutiny the proof display by the parties to lis to unveil the truth regarding rival contentions.

15. To justify the averments of the petition, the wife of deceased Subhaschandra Kori by name Arati Kori filed her evidence affidavit and examined as P.W.1 by reiterating petition averments.

16. To justify the verbal evidence petitioner No.1 placed reliance on documents viz., Ex.P.1 is the certified copy of first information report along with complaint registered by

Dharwad Traffic PS against offending driver of lorry bearing Reg No.KL-39/T-5730 on the basis of complaint lodged by Rajashekhar Shivappa Anad, Ex.P.2 is the certified copy of crime details along with sketch and photographs, wherein the topographical situation of place of accident and exact place of impact are narrated, Ex.P.5 is the certified copy of MVI report, wherein it is opined that the accident was not occurred due to any mechanical defects of the vehicle, Ex.P.8 is the certified copy of charge sheet filed by police against the driver of the lorry.

17. On perusal of the charge sheet, the driver of the alleged lorry bearing Reg No.KL-39/T-5730 has been charge sheeted U/Sec.281 and 106(1) of BNS and Sec.134 (a&b) R/w Sec.187 of M V Act, 1988. The police have also filed charge sheet against rider of the motorcycle i.e., deceased Subhaschandra Kori for the offence punishable U/Sec. 185 of M V Act for riding his motorcycle by consuming alcohol. Counsel for respondent vehemently argued that the deceased

himself is tortfeasor and he is the reason for occurrence of the accident and hence the insurance company is not liable for payment of any compensation. Admittedly, police have filed charge sheet against deceased U/Sec. 185 of M V Act. But, on perusal of topographical situation i.e., spot sketch it is clear that the rider of the motor cycle i.e., deceased was on left side of the road and the lorry came into the right side of road by crossing middle portion of the road and went to the wrong side and caused the accident. Hence, I hold that the accident was occurred solely due to rash and negligent driving of lorry driver. The question before this tribunal is that whether contributory negligence can be attributed to the deceased who was riding the motor cycle by consuming alcohol. But, it is settled position of law that a contributory negligence may define as negligence in not avoiding the consequences arising from the negligence of some other person, when means and opportunity are afforded to do so. The question of contributory negligence would arise only when both the parties are found to be negligent. If a person

drives a vehicle under the influence of alcohol, he commits an offence under M V Act, but the same by itself may not lead to a finding of negligence as regards the accident. Therefore, it is justifiable to hold that the driver of the lorry is the only architect to cause the accident, the manner of the accident itself reveals the same. The doctrine of Res-ipsa loquitor is applicable to the facts and circumstances of the case. Hence, I am of the considered opinion that the driver of the lorry is solely responsible for the occurrence of the accident.

18. The learned counsel for respondent No.2 specifically further contended that the petition is bad for non joinder of necessary parties as owner and insurer of the motor cycle bearing Reg. No.KA-25/EL-9712 were not made as parties to the petition. But, as held supra the driver of the lorry alone is responsible for the occurrence of the accident. The charge of Sec.281 and 106(1) of BNS Act was leveled on the driver of the lorry. Hence, the petition very well maintainable and owner and insurar of the said motor cycle

are not at all either necessary or proper parties to the petition. Hence, I decline to accept the contention of the learned counsel for respondent No.2. Accordingly, I answer **issue No.1 in the Affirmative.**

19. **ISSUE NO.2 :** It is proved that the Subhaschandra Kori died in the road accident due to the negligence of driver of the alleged lorry. Petitioners are legal heirs of deceased Subhaschandra Kori. In order to prove the relationship of the petitioners with the deceased Subhaschandra Kori, petitioner No.1 has produced aadhar card of deceased Subhaschandra and aadhar cards of petitioner No.1 and 2 as per Ex.P.11 to P.13. Ex.P.11 is the copy of aadhar card of petitioner No.1, in the said document her name is mentioned as Arati W/o Subhaschandra Kori, Ex.P.12 is the copy of aadhar card of deceased Subhaschandra, in the said document his name is mentioned as Subhaschandra Chandrashekharappa Kori and Ex.P.13 is the copy of aadhar card of petitioner No.2, in the said document her name is mentioned as Tejaswini D/o

Subhaschandra Kori. So, from these documents it is clear that deceased Subhaschandra Kori is the husband of petitioner No.1 and father of petitioner No.2. Petitioner No.1 being wife and petitioner No.2 being daughter of deceased Subhaschandra Kori are entitle for compensation under the following heads;

A) LOSS OF DEPENDENCY AND FUTURE

PROSPECTUS : To ascertain the loss of dependency the age, income of deceased and the number of dependents of the deceased are relevant. Petitioners are wife and daughter of deceased. It is not in dispute that respondent No.3 and 4 are ageold parents of deceased Subhachandra. The respondent No.2 not denied said relationship. Hence, both the petitioners and respondent No.3 and 4 are entitle for compensation.

20. Petitioners stated that, deceased Subhaschandra Kori was working as BAMS Doctor and drawing salary of Rs.1,50,000/- pm. There is no dispute regarding the

avocation of the deceased. The petitioners have produced Ex.P.14 and P.15 i.e., Registration certificate issued by the Registrar, K.A.U.P Board, Gandhinagar, Bengaluru and Trade license issued by Commissioner, Hubli-Dharwad Municipal Corporation. The petitioners also produced Ex.P.16 i.e., identity card issued by Registrar, Karnataka Ayurvedic, Naturopathy, Sidda, Unani & Yoga Practitioner's Board, Bangalore. The petitioners also produced Ex.P.17 i.e., service letter issued by Mishra Food Industry. These are public documents and have their own presumptive value. Apart from these documents, petitioner also produced income tax returns for the period from 2010-11 to 2022-23, which are marked as Ex.P.19. On perusal of Ex.P.12, the date of birth of deceased shown as 20.07.1977. So, the age of the deceased 48 years. As per the judgment of Hon'ble Apex Court in **Pranay Seti** the age of the deceased has to be considered. As per the Judgment of Hon'ble Apex Court in **Sarala Varma** the multiplier applicable is '**13**'.

21. The said respondent denied the income of the deceased Subhaschandra. But, on perusal of the Ex.P.17 which was issued by the Mishra Foods, it is clear that deceased Subhaschandra was working in the said industry. Ex.P.18 bank pass book clearly discloses that the deceased Subhaschandra is receiving Rs.20,000/- pm from said Mishra Foods. Ex.P.19 is the income returns of the deceased Subhaschandra of the year 2010-11 to 2022-23. The respondent No.2 has not at all denied these income tax returns. But, he vehemently objected and argued that income shall be calculated as on the date of the death, but not previous years.

Admittedly, the respondent No.2 has not disputed that deceased Subhaschandra was an Ayurvedic Medical Practitioner. On meticulous perusal of cross-examination of P.W.1, the line of suggestions posed to P.W.1 by learned counsel for respondent No.2 clearly depicts that deceased Subhaschandra was an Ayurvedic Medical Practitioner. So, it is also presumed that he should have some income.

Admittedly, proceedings under M V Act are beneficiary legislation. Even the Tribunal shall compute death or injury of a minor who has absolutely no income. In such case, the deceased being a medical practitioner have some income and moreover it is the case of the petitioners that while proceeding to Mishra Industry the said accident was occurred. Corollary to this, the bank details clearly depicts that he had receiving Rs.20,000/- from the said Mishra Industry. It is needless to say that apart from the said income he has some private income as an Ayurvedic Doctor. So, as per Ex.P.19 it clearly depicts that the deceased Subhaschandra has an and average earning is Rs.30,000/- p.m. So, it is justifiable to take an average income of deceased Subhaschandra Rs.30,000/- p.m. Because of non filing of income tax returns soon before the accident is not at all fatal to the case of the petitioners as argued by the learned counsel for respondent No.2. Looking to the intention of the legislature, I incline to accept the documentary evidence put forth by the petitioners to consider income proof of the

deceased Subhaschandra. Hence, I hold that the income of the deceased Subhaschandra is Rs.30,000/- p.m.

22. In a decision reported **2017 ACJ 2700 in a Special Leave Petition (CIVIL) No.25590/2014 (National Insurance Co. Ltd V/s. Pranay Sethi and others) dated 31-10-2017**, *where the deceased was a self employee or on a fixed salary, below 50 years an addition of 25% of the income is to be added towards future prospects.* In the instant case the deceased comes under the age group of below 50 years, 25% of the income is to be added to the income of deceased as future prospects, on such addition, the total income of the deceased comes to **Rs.37,500/-p.m. (30,000 + 7,500).**

23. Further as stated above that there are 4 dependents. Hence, 1/4th of the income of the deceased shall be deducted towards his personal expenses, on such deduction, the income of the deceased comes to Rs.9,375/- pm.

24. The income of the deceased is taken **Rs.28,125/-** (37,500 – 9,375) pm and the multiplier is 13 applied, then loss of dependency comes to **Rs.43,87,500/-** (Rs.28,125X12X13). Considering the above facts, I deem it just and reasonable to grant compensation of Rs.43,87,500/- under the head of loss dependency and future prospectus.

B) COMPENSATION TOWARDS CONSORTIUM : As per the Judgment of Hon'ble Apex Court reported in **AIR 2020 SC 3076, between United India Insurance Co. Ltd V/ s Satinder Kaur @ Satwinder Kaur and others, dated 30.06.2020**, the Hon'ble Apex Court by considering the Judgment of **Pranay Sethi and Magma General Insurance case** held that : The petitioner No.1 being the wife and petitioner No.2 being daughter and respondent No.3 and 4 being the parents are entitle for consortium. Hence, petitioner is entitle for **Rs.40,000/- + they are entitle for 20% i.e., Rs.8,000/- as per the guidelines given in the above said Pranay Sethi case. Hence, petitioner is entitle for Rs.48,000X4=Rs.1,92,000/-** under this head.

C) TOWARDS LOSS OF ESTATE: Further the petitioner No.1 is the wife and petitioner No.2 is daughter and respondent No.3 and 4 are parents of deceased Subhaschandra as such, in view of the Judgment of our **Hon'ble Apex Court reported in Pranay Sethi case**, the petitioners are entitle for compensation of **Rs.18,000/- (includes 20% as per the guidelines given in the above said Pranay Sethi case).**

D) TOWARDS FUNERAL EXPENSES: Further petitioners are entitle for an amount of **Rs.18,000/- (includes 20% as per the guidelines given in the above said Pranay Sethi case)** under the head of transportation of dead body, funeral and obsequies ceremony expenses.

Petitioners are entitle for compensation under the following heads :

Sl. No.	Nature of heads	Compensation
1)	Towards loss of dependency future prospectus	Rs 43,87,500/-
2)	Towards consortium	Rs.1,92,000/-

3)	Towards loss of Estate	Rs.18,000/-
4)	Towards funeral expenses	Rs.18,000/-
	Total	Rs.46,15,500/-

25. **LIABILITY** : The learned counsel for respondent No.2 vehemently argued that the truck has no valid permit. But, the respondent No.2 has not taken the said contention in his objection. Hence, any length of arguments without pleading is of no use. It is settled position of law that plying of vehicle without permit is not fatal to the motor vehicle accidental cases as time and again the Hon'ble Apex Court held that the alleged violation finds no place in Sec.149(2) of the Act. Therefore, the argument of the Counsel for respondent No.2 that the truck driven beyond permit amounts to violation of permit condition is not acceptable. For this, I relied upon the ruling reported in **United India**

Insurance Co Ltd V/s Paramanand S/o. Laxman Sungar, wherein it is specifically held that “violation of permit is not a valid defense unless the insurer has incorporated in the insurance policy as one of the conditions. Thereafter, has come to conclusion that there is no breach of policy condition and insurer is liable.”

26. The learned counsel for petitioners has also relied upon MFA No.201496/2023. The same principle reiterated by the Hon'ble High Court of Karnataka. Hence, I hold that the insurer of the truck held liable to pay the compensation to the petitioners. The Counsel for respondent No.2 further vehemently argued that police have filed charge sheet against the deceased U/Sec.185 of M V Act. But, it is not the case of the insurance company that rider of the motor cycle i.e., deceased was incapable of driving any vehicle or he was having any physical or mental incapacity to ride the said motor cycle. In the absence of the same, Sec.147 of M V Act cannot be applicable to the facts and circumstances of this

case. Therefore, it is held that the liability of insurance company shall not be exonerated. This view is supported by the Judgment relied by the learned counsel for petitioners in MFA No.388/2013 of our own Hon'ble High Court of Karnataka. Hence, conjoint reading of all the defenses taken by the insurance company has no substance to exonerate its liability. Hence, I hold that owner and insurer of the truck bearing Reg. No.KL-39-T-5730 are held liable to pay the compensation to the petitioners. However, second respondent being the insurer has to indemnify first respondent.

27. **INTEREST** : Awarding the interest on compensation amount is concern in **MFA No.103557/2016 (Sriram General Ins.Co. Ltd., V/s. Smt. Lakshmi & Others) (DD.20-03-2018)** the Hon'ble High Court of Karnataka has held that as per Sec.34 of CPC, the rate of interest that can be awarded on judgments cannot be more than 6% and that since **Sec.149 of the Motor Vehicles Act** provides for

interest on judgments, the interest to be awarded in claim petitions has to be 6% per annum and not more than that. Hence, in the case on hand, interest at the rate of **6% per annum** is awarded. Accordingly, **I answer Issue No.2 Partly Affirmative.**

28. **ISSUE NO.3** : By virtue of above findings, Tribunal proceeds to pass the following;

ORDER

The claim petition filed by the petitioners U/Sec.166(1) of M V Act is hereby allowed in part with costs.

Petitioners and respondent No.3 and 4 are entitle for compensation of **Rs.46,15,500/- (Rs. Forty Six Lakh Fifteen Thousand Five Hundred only)** with interest @ **6% per annum** from the date of petition till its realization.

Respondent No.1 and 2 are jointly and severally liable to pay the said compensation

amount to the petitioners and respondent No.3 and 4.

Respondent No.2 being the insurer is liable to indemnify the respondent No.1, as such respondent No.2 is directed to deposit the compensation amount within **60** days from the date of this judgment.

APPORTIONMENT

The petitioner No.1 :	50 %
The petitioner No.2 :	35 %
The respondent No.3 :	10 %
The respondent No.4 :	5 %

After deposit of the Award amount and interest by the Respondent No.2, release the compensation amount awarded to petitioner No.1 through K-2 bill after proper identification.

The entire compensation amount awarded to petitioner No.2 shall be kept in Fixed deposit in her name in any Nationalized or Scheduled Bank of her mother i.e.,

petitioner No.1's choice till she attains the age of majority or for the period of 3 years.

The entire compensation amount awarded to respondent No.3 and 4 shall be released through K-2 bill after proper identification.

Advocate's fee is fixed at Rs.1,000/-.

Draw an award accordingly.

(Dictated to the stenographer directly on the computer system, corrected, signed and then pronounced by me in the open Court on this the **19th day of May 2026.**)

(Vijayalaxmi Ghanapur)
I Addl. Senior Civil Judge,
& Addl. M.A.C.T. Dharwad.

A N N E X U R E

1. Witnesses examined on behalf of the Petitioner :

P.W.1 : Smt. Arti W/o Subhaschandra Kori

2. Documents marked as Exhibits for the Petitioner:-

Ex.P.1 : Certified copy of FIR along with complaint

Ex.P.2 : Certified copy of crime details along with sketch and photographs

- Ex.P.3 : Certified copy of vehicle panchanama along with photographs
- Ex.P.4 : Certified copy of motorcycle panchanama along with photographs
- Ex.P.5 : Certified copy of MVI report
- Ex.P.6 : Certified copy of inquest report
- Ex.P.7 : Certified copy of P M report
- Ex.P.8 : Certified copy of charge sheet
- Ex.P.9 & 10 : Attested copy of driving license and RC of deceased Subhaschandra Kori.
- Ex.P.11 to 13 : Attested copies of Aadhar cards
- Ex.P.14 : Registration Certificate issued by Registrar of K.A.U.P Board, Bengaluru.
- Ex.P.15 : Trade license Issued Commissioner, Hubli-Dharwad Corporation.
- Ex.P.16 : ID card issued by Registrar, Karnataka Ayurvedic Naturopathy, Sidda Unani & Yoga Practitioner's Borad.
- Ex.P.17 : Certificate issued by Mishra Food Industry.
- Ex.P.18 : KVG Bank passbook of deceased Subhaschandra Kori.
- Ex.P.19 : Income tax returns pertaining for the period from 2010-11 to 2022-23.

3. Witnesses examined on behalf of the Respondents:-

R.W.1 : Thimmappa S/o Mareppa

4. List of documents marked on behalf of Respondents:-

Ex.R.1 & 2 : Attested copies of Aadhar cards of

- respondent No.3 & 4.
- Ex.R.3 : Authorization letter.
- Ex.R.4 : Insurance policy
- Ex.R.5 : Certified copy of PM report.
- Ex.R.6 : Information given by RTO, Kerala
- Ex.R.7 : P.A claim dated 20.08.2025.

(Vijayalaxmi Ghanapur)
I Addl. Senior Civil Judge,
& Addl. M.A.C.T. Dharwad.

(Judgment pronounced in the open Court vide separate Order)

ORDER

The claim petition filed by the petitioners U/Sec.166(1) of M V Act is hereby allowed in part with costs.

Petitioners and respondent No.3 and 4 are entitle for compensation of **Rs.46,15,500/- (Rs. Forty Six Lakh Fifteen Thousand Five Hundred only)** with interest @ **6% per annum** from the date of petition till its realization.

Respondent No.1 and 2 are jointly and severally liable to pay the said compensation amount to the petitioners and respondent No.3 and 4.

Respondent No.2 being the insurer is liable to indemnify the respondent No.1, as such respondent No.2 is directed to deposit the compensation amount within **60** days from the date of this judgment.

APPORTIONMENT

The petitioner No.1 :	50 %
The petitioner No.2 :	35 %
The respondent No.3 :	10 %
The respondent No.4 :	5 %

After deposit of the Award amount and interest by the Respondent No.2, release the compensation amount awarded to

petitioner No.1 through K-2 bill after proper identification.

The entire compensation amount awarded to petitioner No.2 shall be kept in Fixed deposit in her name in any Nationalized or Scheduled Bank of her mother i.e., petitioner No.1's choice till she attains the age of majority or for the period of 3 years.

The entire compensation amount awarded to respondent No.3 and 4 shall be released through K-2 bill after proper identification.

Advocate's fee is fixed at Rs.1,000/-.

Draw an award accordingly.

I Addl. Senior Civil Judge,
& Addl. M.A.C.T. Dharwad.