



**IN THE COURT OF II ADDL. SENIOR CIVIL
JUDGE AND ADDL. MACT., HUBBALLI**

PRESENT:- SMT. DEEPA G. MANERKAR,
B. Com., LL.B., (Spl.)

II ADDL. SENIOR CIVIL JUDGE AND
Addl. MACT., HUBBALLI

DATED THIS 20TH DAY OF AUGUST 2026

MVC No.832/2024

PETITIONER : 1. Smt. Sumitra W/o Maruti Sanshi
Age: 43 years, Occ: Housewife
R/o: Karki Basaveshwar Nagar,
Hubli, Hubballi.

2. Sri. Maruti S/o Kallappa Saunshi
Age: 49 years, Occ: Nil
R/o: Karki Basaveshwar Nagar
Hubli, Hubballi.

(by Sri. S.K. Patil, Adv.)

V/S.

RESPONDENTS 1. Gurusiddappa S/o Sangappa
Hongal, Age: 45,
Occ: Business,
R/o: Mangalwarpeth Hubballi.
(Owner of lorry bearing Regn.
No. KA-25/B-5234)

2. United India Insurance Co.
Ltd., Branch office Keshwapur
Hubballi Divisional Manager,



Kalburgi Complex, Desai
Cross, Hubballi
(Policy
No.2403003123P106118699
Valid from 31/08/2023 to
30/08/2024)

**(R-1 Exparte,
R-2 by Smt. Chetana Kulkarni, Adv.)**

- | | | |
|--------------------------------|---|---|
| 1. Nature of the proceedings | : | Grant of compensation on account of death caused in the Motor Vehicle accident. |
| 2. Institution of the petition | : | 02-12-2024 |
| 3. Recording of the evidence | : | 05-06-2025 |
| 4. Pronouncement of judgment | : | 20-08-2026 |
| 5. Total duration: | : | Year/s month/s Day/s |
| | | 01 08 06 |

JUDGMENT

This is a petition filed U/s.166 of I.M.V. Act against the respondents seeking compensation of Rs.33,00,000/- on account of death of Sri. Shankar S/o Maruti Saunshi, who died in road traffic accident.



2. The case of the petitioners in brief is:-

That on 18-07-2024 at about 9.15 house deceased Shankar S/o Maruti Saunshi was going on motor cycle bearing No.KA-63/U-6519 at Patil Galli Hubli at that time a lorry bearing No. KA-25-B-5234 came from Alfa Hotel towards Bankapur Chouk in a great speed, in rash and negligent manner without observing traffic rules and without indication tried to overtake from right of said motorcycle and dashed to the motor cycle deceased Shankar, as a result of which deceased fell down along with motor cycle and sustained grievous injuries and succumbed to injuries on the way KIMS Hospital Hubli.

3. Prior to the accident deceased was hale and healthy and was working in HDMC on Contract basis and was earning of Rs.25,000/- per month. The deceased Shankar was the only earning member of the family. He had mother, and old age father who were dependent on income of the deceased. The petitioners were entirely depending on the earnings of the deceased Shankar Saunshi. The petitioners have lost the earnings of the deceased forever.



4. The accident has occurred due to rash and negligent driving of Lorry bearing No.KA-25/B-5234 by its driver. That the respondent No.1 is the owner of Lorry bearing No.KA-25/B-5234, the same is insured with respondent No.2. Hence, both respondents are jointly and severally liable to pay compensation. Hence, prayed to allow the petition.

5. Despite of service of notice the respondent No.1 has not appeared and hence placed ex-parte.

6. After service of notice the respondent No.2 appeared through counsel and filed objections contending that the present application is false the same is not tenable in law and on facts of the case. That the alleged accident has not occurred due to any rash and negligent act of the driver of lorry in question, but the deceased himself is responsible for his death. That the complainant and petitioners, driver and owner of the lorry have colluded each other with the police and got up a false case by taking undue advantage of the circumstances to claim compensation. Under the said circumstances respondent No.2 is not liable to pay any compensation.



7. The respondent No.2 cannot be held liable for payment of compensation unless and until it is proved that the Registration Certificate, Fitness Certificate, permit of the vehicle and driving license of the driver to drive the lorry in question at the time and on the date of the alleged accident. Hence, prayed to dismiss the petition.

8. On the basis of the rival pleadings, the following issues have been framed :-

ISSUES

1. Whether the petitioners prove that Sri. Shankar S/o Maruti Saunshi was succumbed/died in the Road Traffic Accident that occurred on 18-07-2024 at about 9.15 p.m., on Patil Galli Road, Kacchihall opposite Hubli by the rash and negligent driving of the driver of the Lorry bearing Reg. No. KA-25/B-5234?
2. Whether the petitioners prove that they are the legal heirs of deceased Sri. Shankar S/o Maruti Saunshi ?
3. Whether the petitioners are entitled for the compensation as



prayed for ? If yes, what is the quantum and from whom ?

4. What order or award?

9. To prove the case of the petitioners, the petitioner No.1 got examined herself as PW.1 and placed reliance on Ex-P1 to 14 documents. In order to prove the defence, the respondent No.2 company got examined one Imamhussain Inapuri driver as R.W.1. The Administrative Officer of respondent No.2 company got examined as RW1 and Ex.R.1 to 4 marked through R.W.2.

10. Heard arguments from petitioner and respondent No.2 counsels.

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

Issue No.1 : Partly in the
Affirmative

Issue No.2 : In the Affirmative

Issue No.3 : Partly in the Affirmative.

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



~:: REASONS ::~

12. **Issue No.1:-** As per the petitioners on 18-07-2024 at about 9.15 house deceased Shankar S/o Maruti Saunshi was going on motor cycle bearing No.KA-63/U-6519 at Patil Galli Hubli at that time a lorry bearing No. KA-25-B-5234 came from Alfa Hotel towards Bankapur Chouk in a great speed, in rash and negligent manner without observing traffic rules and without indication tried to overtake from right of said motorcycle and dashed to the motor cycle deceased Shankar, as a result of which deceased fell down along with motor cycle and sustained grievous injuries and succumbed to injuries on the way KIMS Hospital Hubballi.

13. In order to prove the case of petitioners, petitioner No.1 who is examined as PW1 in her chief affidavit has reiterated the manner of death of deceased. In support of the same she has relied on Ex.P.1 to 10 documents. Ex.P1 is the certified copy of complaint, Ex.P2 is the certified copy of F.I.R. Ex.P3 is the certified copy of statement of accused, Ex.P.4 is the certified copy of photograph, Ex.P5 is the certified copy



of inquest panchanama, Ex.P6 certified copy of crime details form, Ex.P.7 is the certified copy of Post mortem Report, Ex.P8 is the certified copy of MVA Report. Ex.P.9 is the certified copy of RFSL report, Ex.P.10 is the certified copy of Charge sheet.

14. One Abhishek S/o Maruti Saunshi has lodged FIS as per Ex.P.1 before South Traffic Police Station Hubballi alleging that he had gone for his personal work on 18.07.2024 at Gokul road and while returning back, he has asked his brother i.e. Shankar to come to Bankapur Chowk to pick him up. He got down from the bus at Bankapur Chowk and was going home through Patil Galli. At that time near Kachi Hall people had gathered, hence he went there and saw that his brother by name Shankar had sustained grievous injuries on his face right hand and his nose was bleeding, he had also sustained grievous injuries on his chest and thigh and he was unable to talk. He asked the people gathered there about the accident, the people gathered there informed him that on said date at 9.15 p.m., the deceased Shankar was coming on his DEO Motorcycle bearing No.KA-63/U6519 from Alfa Hotel towards Bankapur Chowk at that time the vehicle



which was parked near the spot of accident was also coming from Alfa Hotel towards Bankapur chowk in a rash and negligent manner so as to endanger human life while overtaking said motorcycle dashed against it towards right side and caused the accident. It is also mentioned in Ex.P.1 that the said complainant had also taken the photo of said vehicle however, he could not ask the name of the driver as he was in a hurry. Thereafter he took the deceased to KIMS Hubballi for treatment wherein he was declared dead.

15. The counsel for the petitioners argued that the accident occurred due to rash and negligent driving of lorry bearing registration No.KA-25/B-5234. That the charge sheet has been filed against the driver of said lorry by the police. The reason for delay has been properly mentioned in the FIR and complaint itself. The vehicle was seized by the police, since charge sheet has been filed against said lorry, the accident occurred due to the rash and negligent driving of said lorry by its driver.

16. In support of her arguments relied upon decisions reported in **The Hon'ble High Court of Karnataka, Bengaluru in WP No.24449/2024 C/w**



**WP No.23821/2024 dt:22-04-2025 in between The
Manager, ICICI Lombard General Insurance Co. Ltd.,
V/s. Mr. Rahul R.M. S/o Rajan M.T.**

17. On the contrary the counsel for respondent No. 2 argued that accident itself is disputed. Though on 18.07.2024 accident is said to have occurred there is one day delay in lodging the complaint. In complaint there is a mention that the people gathered there had shown one standing lorry to the complainant and stated that the said lorry caused the accident. Whereas in complaint, name of the driver or lorry is not mentioned. In the complaint itself it is stated that the complainant took the photo of lorry under such circumstances, the number should have been mentioned. She also argued that the deceased is arrayed as accused No.2 in the charge sheet. In charge sheet at Ex.P10 it is mentioned that the said motorcycle was rode under the influence of alcohol and deceased was not having driving licence. In the complaint it is alleged that the lorry which caused accident was standing. But in charge sheet it is mentioned that the said lorry driver went away from the spot of accident without informing the same to



police and without taking deceased to hospital. There is no mention of the vehicle bearing Reg. No.KA-25/B-5234 in the complaint as well as FIR, the said vehicle has been implanted by the petitioners by colluding with the police in order to make unlawful gain. She also argued that though in the complaint it is mentioned that the lorry hit the Motorcycle from back side but there is no damages caused to the motorcycle on its back side and all damages are on its front side. The deceased himself fell down and false complaint has been lodged by the petitioners. Hence, the respondent No.2 is not liable to pay the compensation.

18. In support of her arguments she relied upon decision reported in **1) Hon'ble High Court of Madras in Civil Misc. Appeal No.1842/2006 dt:25-10-2019 in between K. Shanmugam Vs. V. Krishnamurthy, 2) the Hon'ble High Court of Karnataka at Bengaluru (matter pertaining to Kalburagi bench) in MFA No.200185/2014(MV) in between Chand @ Chand Pasha S/o Hasan Sab V/s. The Karnataka State Road Transport Corporation though Divisional office 3) The Hon'ble High Court of Delhi at New Delhi in MAC. APP. No.954/2017 and CM**



**APPL.39162/2017 dt:18-01-2019 in between
Rehmani Begum and others V/s. Krishn Pal and
others.**

19. In order to prove its defence, the respondent No. 2 company got examined one Imamhussain Inapuri driver who was driving the lorry bearing Reg. No.KA-25/B-5234 on the alleged date of accident as RW1. The said witness in his examination-in-chief deposed that about two years back the owner of said vehicle called him over phone and informed that police had intimated him that one other vehicle has dashed against said lorry as such he is required to take the said lorry to South traffic police station. Accordingly, he took the said lorry to the said police station. Thereafter, the police took the photograph of himself and other 7 to 8 persons and intimated him that case has been registered against him in JMFC Court, Hubballi. He also deposed that after going to police station he informed the police that he has no any nexus with the present case and he was not negligent or rash and he has not committed any mistake. However, the said witness cross examined by the counsel for petitioners in which he admits that Ex.P3 voluntary statement has



been given by him before police and it contains his signature. Admittedly Ex.P10 charge sheet has been filed against the said driver i.e., RW1 for the offences punishable U/Sec.281, 106(1) BNS and Sec.187 and 134(a & b) of IMV Act. Though R.W.1 stated that there is no any rash and negligent act committed by him, but he stated that he did not have financial capacity to challenge the said charge sheet. Therefore, the fact remains is that Ex.P10 charge sheet is not being challenged. Therefore, the contents of charge sheet in the absence of any materials on record holds good.

20. Similarly, the respondent No.2 company got examined its administrative officer as RW2. In the chief-examination filed by the said witness, she deposed that the policy issued is act only policy and the accident has not at all occurred due to rash and negligent driving of lorry in question and deceased himself was responsible for his death as he was riding the motor vehicle motorcycle bearing registration No.KA-63/U-6519 without driving license and by consuming alcohol about 89.06 mgs. Therefore, he has no control over his motorcycle and not in a position to drive the motorcycle properly on the road. However, the



petitioners by colluding with the police have filed false case against the driver of the lorry and the name of driver is not mentioned in the complaint FIR. In support of oral testimony Ex.R1 to 4 documents have been got marked through RW2. Ex.R2 is the Test Report issued by RFSL Belgavi in which it is stated that Blood alcohol concentration in the body of deceased Shankar Maruthi Saunshi was 89.06 mg/100 ml +- 1.648. This document goes to show that at the time of alleged accident deceased had consumed alcohol and under the influence of alcohol he was riding the motorcycle.

21. In the cross-examination of RW2 she denied the suggestion that since there is no condition in the policy that if the third party is a tortfeasor, the respondent No.2 company is not liable to pay compensation. It is pertinent to make note that though there may not be any condition in the policy while compensating the third party, however on perusal of charge sheet at Ex.P10 itself it can be seen that the rider of said vehicle i.e. deceased Shankar Maruthi Saunshi was riding motorcycle bearing Reg. No. KA-63/U6519 under the influence of alcohol and without



possessing driving licence. Hence Sec.3 R/w Sec.181 and Sec.185 of IMV Act has been invoked against deceased Shankar Maruthi Saunshi and abated and he has been arrayed as accused No.2 and abated charge sheet has been filed.

22. Though the police have charge sheeted the driver of lorry bearing No.KA-25/B-5234 caused accident U/Sec.281, 106(1) BNS and Sec.187 and 134(a & b) of IMV Act Therefore the cause of accident is rash and negligent riding motorcycle by the deceased Shankar Maruthi Saunshi was not having driving license and had consumed Alcohol and as such he has also contributed for the cause of accident. Therefore, considering the facts of present case and evidence on record it can be concluded that, deceased has contributed 40% for the cause of accident and the accident also occurred due to negligence on the part of driver of lorry bearing Reg. No.KA-25/B-5234 and he has contributed 60% for the cause of the accident. In view of the same the decisions relied by both side counsels are not applicable to present facts. As such above issue is answered partly in the **affirmative**.



23. **Issue No.2:-** In the written Statement filed by respondent No.2 it is contended that the petitioners are not legal heirs of deceased Shankar S/o Maruti Saunshi as such they are not entitled for compensation.

However, the petitioners herein have produced their Aadhar cards at Ex.P.12 to 14. Ex.P.12 is the Aadhar card of deceased Shankar S/o Maruti Saunshi. Ex.P13 is the Aadhar card of petitioner No.1 in which her husband's name is shown as Maruti Saunshi. Ex.P14 is the Aadhar card of petitioner No.2 in which his name is shown as Maruti Saunshi. Moreover, respondent No.2 company has not seriously disputed the relationship of petitioners with deceased. Hence, without much discussion this issue is answered in the **Affirmative**.

24. **Issue No.3:** So far as entitlement of compensation is concerned, the petitioners have claimed Rs.33,00,000/- as compensation under different heads.

Basically, only three factors needs to be established by the claimant for assessing



compensation in case of death: a) age of the deceased, b) income of the deceased and c) the number of Dependents. The other issues to be determined by the tribunal to arrive at the loss of dependency are: i) additions/deductions to be made for arriving at the income, ii) The deduction to be made towards the personal leaving expenses of the deceased, and iii) The multiplier to be applied with reference to the age of the deceased.

25. Before ascertaining the income of the deceased, it is necessary to determine the age of the deceased. Though in the petition the age of the deceased at the time of accident is shown as 22 years, in the P.M report at Ex.P.7 the age of the deceased is shown as 24 years. In the Aadhar card of deceased at Ex.P.12 his date of birth is shown as 01-05-2000. The accident occurred on 18-07-2024. Therefore, the age of the deceased at the time of accident is 24 years and not 22 years as shown in petition. Therefore, it is concluded that at the time of accident the deceased was aged 24 years.

26. In the petition, it is stated that, the deceased was working in HDMC Hubballi on contract basis and



was earning Rs.25,000/- per month. However, in order to prove the same, the petitioners have not produced single iota of evidence. In the absence of same, the income of the deceased has to be ascertained by following the guidelines issued by KALSA. Admittedly the accident in question had occurred on 18-07-2024. Therefore the notional income fixed by KALSA for the year 2024 has to be taken into consideration to determine monthly of deceased. As per KALSA guidelines the monthly notional income for the year 2024 is Rs.15,750/-. Therefore the monthly income of the deceased is taken as Rs.15,750/- it would meet ends of justice.

27. The next question is about multiplier. In Sarla Varma case, at paragraph-19 a two-judge Bench of Hon'ble Supreme Court dealt with this aspect in step 2. To quote:

Step 2 (Ascertaining the multiplier)

“Having regard to the age of the deceased and period of active career, the appropriate multiplier should be selected. This does not mean ascertaining the number of years he would have lived or worked but for the accident. Having regard to several



imponderables in life and economic factors, a table of multiplier with reference to the age has been identified by this court. The multiplier should be chosen from the said table with reference to the age of the deceased". Keeping in mind the dictum stated above, multiplier 18 has to be applied in case of persons aged between 21 to 25 years.

28. So far as loss of dependency is concerned, it can be gathered from cause title of the petition that, the petitioner No.1 is the mother and petitioner No.2 is the father of deceased Shankar Saunshi. The deceased was unmarried hence, As per the decision of Sarla Varma Case 1/2 has to deducted towards personal and living expenses of the deceased.

29. Admittedly, in the present case the deceased was aged 24 years and self employed. Therefore, 40% of established income should warrant towards future prospects as per decision reported in **(2017)16 Supreme Court Cases 680 in between National Insurance Company Limited Vs. Pranay Sethi and Others.**



30. This court has already calculated the monthly income of the deceased as Rs.15,750/- per month. If 40% of same is taken, then it comes to Rs.6,300/- hence said amount has to be added towards future prospects.

Thus, the petitioners are entitled to compensation of Rs.23,81,400 /- towards loss of dependency, which is calculated as follows:

CALCULATION

TOTAL (IN RS.)

Rs.15,750/- (Monthly Income) add [40% of Rs.6,300(Future Prospects)15,750 + 6,300 = 22,050/-
 1/2 of (Rs. 22,050/-/2= 11,025/- (Deductions)]
 22,050/- – 11,025 = 11,025/-
 [Rs.11,025/-] multiply by [12(Annual Income)]
 1,32,300/-
 [Rs. 1,32,300/-]multiply by [18 (Multiplier)]
 1,32,300x18 = Rs.23,81,400/-.

31. **TOWARDS CONSORTIUM:-** In the decision reported in (2017) 16 SCC 680 in a case between National Insurance Company Limited V/s Pranay Sethi and others, the Hon'ble Apex court has held that reasonable figures on conventional heads



namely loss of estate, loss of consortium and loss of funeral expenses should be paid as Rs.15,000/-, 40,000/- and 15,000/- respectively. As per the above decision so also in view of other decisions reported in:-

1) 2026 ACJ 51 in the Supreme court of India at New Delhi in CA No.14857/2025 dt:17-11-2025 in between Kirokata Devi and others Vs. Ram Ji Lal and others

2) 2025 ACJ 1841 in the Supreme court of India at New Delhi in CA No.9538/2025 dt:17-07-2025 in between Sunita and others Vs. United India Insurance Co. Ltd and others.

3) 2025 ACJ 414 in the Supreme court of India at New Delhi in CA No.3763/2025 dt:24-01-2025 in between Sadhana Tomar and others Vs. Ashok Kushwaha and others

The aforesaid amount should be enhanced at the rate of 10% in every three years. Therefore, the



petitioners are entitled for Rs.48,400/- each towards loss of consortium.

32. Towards loss of Estate and Funeral and transportation of dead body of deceased: In the above decisions itself an amount of Rs.18,500/- is ordered to be paid towards loss of estate and Rs.18,150/- is ordered to be paid towards funeral expenses by increasing the said amount at 10% for every 3 years from 2017. Hence, considering above decisions if conventional amount of Rs.18,500/- is awarded under the head of loss of estate and Rs.18,150/- is awarded under the head of funeral expenses it would be reasonable. Hence, petitioners are entitled for Rs.18,500/- and Rs.18,150/- under above heads.

33. As already discussed, the petitioners are entitled to get total compensation under the following heads:

1	Loss dependency	Rs. 23,81,400/-
2	Loss of estate	Rs. 18,500/-
3	Transportation of dead body & funeral expenses	Rs. 18,150/-



4	Loss of consortium	Rs.96,800/-
	Total	Rs.25,14,850/-

34. Pertaining to interest on the award amount, in the decision between **Vijay Ishwar Jadhav and others V/s Ulrich Belchior Fernandes and another in MFA No.100090/2014 dated: 07-03-2018**, the Hon'ble High Court of Karnataka, Dharwad Bench has held that “ In the absence of any other law relating to interest on judgments, the MACT has to follow the provisions of Sec.34 of CPC. Thus, in the given circumstances of the case, interest at the rate of more than 6% could not have been awarded”. Thus it is clear that an interest at the rate of 6% can only be awarded on the compensation amount as per the above ruling.

35. **LIABILITY TO PAY COMPENSATION:** The next question is who has to pay compensation to the petitioners.

As already discussed on issue No.1, the accident in question occurred due to rash and negligent driving of Lorry bearing Reg. No.KA-25/B-5234 by its driver and also on account of rash and negligent riding of motor cycle by the deceased Shankar Maruti Saunshi



and it is already concluded that deceased has contributed 40% for the cause of accident therefore, the petitioners are not entitled for entire compensation amount and 40% has to be deducted from total compensation amount of **Rs.25,14,850/-** and respondents are only liable to pay 60% of total compensation amount to the petitioners (**Rs.25,14,850/- - 10,05,940 = 15,08,910/-**). Therefore, the petitioners are entitled for Accordingly issue No.3 is answered **partly in the affirmative** holding that the petitioners are entitled for compensation of **Rs.15,08,910/-** with interest at rate of 6% from the date of petition till its realization.

36. **Issue No.4:-** In view of my findings on issue No.1 to 3, this court proceeds to pass the following:

~:: ORDER ::~

The petition filed by the petitioners U/ Sec. 166 of M.V. Act claiming the compensation is hereby allowed in part with costs.

The petitioners are entitled to the compensation of **Rs.15,08,910/-** with future



interest at the rate of 6% p.a., from the date of petition till its realization.

The award amount is to be apportioned in the ratio of 50:50.

On deposit being made 30% of the amount awarded to the share of petitioner No.1 and 2 is ordered to be released in their favour and remaining 70% is ordered to be deposited in fixed deposit in the name of petitioner No.1 and 2 in any nationalized bank of her choice for the period of 3 years.

The respondent No.2 is directed to deposit the award amount before this Tribunal within 3 months.

Advocate fee is fixed at Rs.500/-.

Draw award accordingly.

(Direct dictated to the Stenographer on computer and typed by her, corrected by me and then pronounced in the open court on this the 20th day of August 2026.)

Sd/-

(Smt. Deepa G Manerkar)

**II Addl. Senior Civil Judge &
Addl. MACT, Hubballi.**

~:: ANNEXURE ::~

I. Witnesses examined for the Petitioner:

PW.1 : Smt. Sumitra M. Sanshi

**II. Documents Ex.ed by the Petitioners :**

Ex.P1 : C.C. of complaint
Ex.P2 : C.C. of F.I.R.
Ex.P3 : C.C. of statement of accused
Ex.P4 : C.C. of photograph
Ex.P5 : C.C. of inquest panchanama
Ex.P6 : C.C. of crime details form
Ex.P.7 : C.C. of post mortem Report
Ex.P8 : C.C. of MVA Report
Ex.P.9 : C.C. of RFSL report
Ex.P.10 : C.C. of Charge sheet.
Ex.P.11 : C.C. Vehicle panchanama
Ex.P12 to 14: C.C. of Aadhar cards

III. Witnesses examined for the Respondents :

RW1 : Sri. Imamhussain M. Inapuri
RW2 : Kum. Swati L. Solanke

IV. Documents Ex.ed by the Respondents :

Ex.R.1 : Insurance policy
Ex.R.2 : RFSL Report
Ex.R.3 : Authorization letter
Ex.R.4 : Computerized pollution under check centers

Sd/-
(Smt. Deepa G Manerkar)
II Addl. Senior Civil Judge &
Addl. MACT, Hubballi.