

KAHS010070002024



Presented on : 25-11-2024
Registered on : 26-11-2024
Decided on : 29-07-2026
Duration : 1 years, 8 months, 4 days

**IN THE COURT OF IV ADDL DISTRICT AND SESSIONS
JUDGE HASSAN SITTING AT CHANNARAYAPATNA**

PRESENT

SMT. KALPANA M.S.

B.Sc., LL.M., PGDCLCF.,

**IV Addl. District and Sessions Judge,
Hassan (Sit at Channarayapatna)**

DATED 29th DAY OF JULY 2026

M.V.C./2030/2024

Petitioners:

1. Poornima M.S
W/o late Prasannakumar,
Aged about 41 years.
2. Kruthik Kumar K.P
S/o late Prasannakumar,
Aged about 21 years.
3. Prakruthi K.P
D/o late Prasannakumar,
Aged about 19 years,

Claimants 1 to 3 are R/o
Krishnapura Village, Bagur
Hobli,
Channarayapatna Taluk,
Hassan District.

4. B.C.Nagaraju
S/o Chikkashetty,
Aged about 69 years,
R/o Bagur Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.

(By Sri.M.S.D., Advocate)

V/s

Respondents:

1. Manjunatha @ Manju
S/o Byatappashetty,
Aged about 48 years,
R/o Bagur Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.

(Owner of the bike bearing
Reg. No. KA-16-Q-0552)
2. Reliance General Insurance
Company Limited,
1st Floor, Kruthika Arcade,
N.R.Circle, Holenarasipura Road,
Hassan-573201.

MVC./2030/2024

(Policy No.140821823480010635
Valid from 15.08.2018 to
14.08.2019)

(R1 by Sri B.C.M., Advocate)
R2 by Sri M.L., Advocate)

J U D G M E N T

This petition is filed by the claimants No.1 to 4 U/s.166 of Motor Vehicle Act seeking compensation of 50,00,000/- from the date of petition till realization, towards the death of Prasannakumar B.N in the road traffic accident.

2. The sum and substance of averments made in the petition is as follows;

That on 09.09.2018 at about 8.30 p.m., when the deceased Prasannakumar was proceeding on the Motorcycle bearing registration No.KA-03-EH-1429 near Hemavathi Office, Baguru, the rider of motorcycle bearing registration No.KA-16-Q-0552 Hero Splendor Plus came with a high

speed in a rash and negligent manner and hit the deceased, as a result, he fell on the road and sustained injuries. Thereafter, his father consoled Prasannakumar B.N and then shifted Prasannakumar B.N in an auto to Channarayapatna Government Hospital and again on the advise of the doctor, he was shifted to Hassan Government Hospital for higher treatment and thereafter shifted him to Mangala Hospital and then shifted to J.S.S. Hospital, Mysuru for higher treatment and the doctor has declared that Prasannakumar B.N died due to the severe injuries sustained in the accident. The claimants being the wife and children and father of the deceased Prasannakumar B.N have spent an amount of Rs.3,00,000/- towards medical expenses, transportation of dead body and cremation. Before the accident, the deceased Prasannakumar B.N was hale and healthy and doing agriculture and dairy forming work earning Rs.50,000/- per month and was maintaining the family. Due to the death of

Prasannakumar B.N, claimants have suffered loss of income, love and affection and with great difficulty managing their livelihood. The accident is due to rash and negligent riding of the offending motorcycle by its rider. The respondent No.1 being the owner of the motorcycle and respondent No.2- Insurer are liable to pay the compensation. On these set of facts, claimants sought to allow the petition.

3. In pursuance of the notice, respondent No.1 and 2 have appeared through their respective counsels and filed written statement.

The respondent No.1 has categorically denied the petition averments. It is further denied that the accident occurred due to the rash and negligent riding of the rider of motorcycle bearing registration No.KA-16-Q-0552. It is further contended that the petitioners have colluded with police and filed false case in order to get compensation from

the respondents. It is contended that the petition is barred by limitation. It is further contended that deceased himself rode the motorcycle in a rash and negligent manner and dashed against the said bike. Further respondent no.1 has denied the income, avocation and expenses incurred by the deceased Prasannakumar. The compensation claimed by the claimants is highly excessive and prays to dismiss the petition.

4. The respondent No.2 categorically denied the averments of the claim petition. It is stated that the rider of the offending vehicle was not holding a valid and effective driving licence at the time of accident. It is further submitted that the petition is bad for non-joinder of necessary parties i.e. the owner and insurer of the motor cycle bearing registration No.KA-03-EG-1429 and rider of motorcycle bearing registration NO.KA-16-Q-0552. It is further submitted that deceased has not worn helmet to safe guard

the body and followed the traffic rules. There is no nexus to the injuries sustained by him and the offending vehicle. To get the unlawful gain, the claimants have filed this false petition before the court. This respondent denied the age, avocation and income of the deceased person. The claimed compensation is exorbitant. The respondent No.2 is not liable to pay the compensation. With all these contentions, it is prayed to dismiss the claim petition.

5. Based on the aforesaid pleadings, the following issues and additional issues were framed:

ISSUES

1. Whether the claimants prove that on 09.09.2018, at 8.30 pm, when the deceased Prasannakumar was proceeding on the Motorcycle bearing registration No.KA-03-EH-1429 near Hemavathi Office, Bagur the rider of Motorcycle bearing registration No.KA-16-Q-0552 Hero Splendor Plus came

with a high speed in a rash and negligent manner and hit the deceased, as a result, he fell on the road, sustained injuries and succumbed to the injuries in the hospital?

2. Whether the 1st respondent proves that the deceased himself hit Motorcycle bearing registration No.KA-16-Q-0552?
3. Whether the claim petition is barred by limitation?
4. Whether the claimants are entitled compensation, if so, at what extent?
5. What order?

ADDITIONAL ISSUES:

1. Whether claimants prove that they are the Legal Heirs of the deceased B.N.Prasannakumar?
2. Whether the 2nd respondent proves that the owner of the Motorcycle bearing registration No.KA-16-Q-0552 has violated the terms

and conditions of the policy, therefore the 2nd respondent is not liable to indemnify the owner of the Motorcycle bearing registration No.KA-16-Q-0552?

3. Whether the 2nd respondent proves that claim petition is bad for non joinder of necessary parties?

6. In order to prove their case, the claimant No.1 examined herself as P.W.1 and got marked in all 19 documents as Ex.P.1 to P.19 and closed her side. On behalf of respondents, the respondent No.1 is examined as R.W.1 and the Manager of 2nd respondent-insurance company as R.W.2 and two witnesses of respondent no.1 are examined as R.W.3 and R.W.4 and got marked 7 documents as per Ex.R.1 to Ex.R.7.

7. Heard the arguments of learned counsels appearing on behalf of the claimants and respondent No.1 and 2.

Perused the materials on record and the following authorities relied by the learned counsel for 2nd respondent.

1. In the Hon'ble High Court of Karnataka in a case of **Divisional Manager V/s. Sundara Devadiga and another** in **MFA No.2014/2014** decided on 15.04.2024.

2. In the Hon'ble High Court of Karnataka in a case of **M/s Shriram General Insurance Company Ltd., V/s. Mrs.Sunitha @ Nagaveni and others** in **MFA No.3288/2013 C/W 3287/2013** decided on 29.01.2024.

3. In the Hon'ble High Court of Karnataka in **MFA No.7018/2023 C/W 2658/2024** in a case of **M/s Tata Aig Gen.Ins.Co.Ltd., V/s. Sri.Manjunatha and others** decided on 16.01.2025.

4. In the Hon'ble High Court of Karnataka in a case of **M/s Tata Aig General Insurance Company Ltd., V/s. K.R.Prakash and another** in **MFA No.3390/2015** decided on 22.04.2024.

8. For the reasons to be stated herein after, this court answer the above issues as follows:

- Issue No.1 : In the **Affirmative**
- Issue No.2 : In the **Negative**
- Issue No.3 : In the **Negative**
- Additional issue No.1 : **In the Affirmative**
- Additional issue No.2 : **In the Affirmative**
- Additional issue No.3 : **In the Negative.**
- Issue No.4 : Partly in the **Affirmative**
 Claimant is entitled for compensation of Rs. Rs.23,40,000/with interest @ 6% p.a. from the respondent No.1
- Issue No.5 : As per the final Order for the following:

REASONS

9. **Issue No.3:-** It is contended that claim petition is barred by limitation and hit by Sec.166(3) of Motor vehicle Act 1988. It is further stated that alleged accident was taken place on 09.09.2018. The date of filing of the petition is on 25.11.2024. There was delay in filing the petition.

10. Claimants have filed IA.No.I filed under section 5 of Limitation Act along with the petition for condonation of delay in filing the claim petition and assigned reasons for delay in filing the claim petition viz, due to death of her husband and non availability of the police documents. The respondents have not filed objections to the said application. Any how, the reasons assigned by the claimants are sufficient to condone the delay is a question for consideration. In this context, it is profitable to read the observations of the **Hon'ble Supreme Court of India in Gohar Mohammed v. Uttar Pradesh State Road Transport Corporation and others in S.L.P.(C).No.32448/2018** wherein, the Hon'ble Court was pleased to observe that :

Police are no more playing a mere role of Investigation authority. They are mandate by the Parliament to file reports with the claim Tribunal which should treat the same as a claim petition. It would be

the duty of the Investigating officer to inform the injured/victim(s), legal representative(s), regarding their rights to supplying Form-II attaching flow chart within 10 days specifying the scheme to seek remedial measure. It would be the duty of the Investigating Officer to ask the information in Form-III and Form-IV from the driver and the owner respectively within 30 days. As per the new regime, on receiving the information, the Interim Accident Report (IAR) shall be submitted by the Investigating Officer to the Claim Tribunal within 50 days in Form-V along with relevant documents.

11. Further the **Hon'ble High Court of Madras in the case of Malaravan V/s. Praveen Travels Private Limited in C.R.P.2558/2023**, after considering the various provisions of the act and Amendment Act and also considering the judgment of the Hon'ble Apex Court, pleased to held that:

after the accident if no FIR is registered, the Limitation prescribed

under the act would apply. If the FIR registered, then the duty is casted upon the police officers to send the report of the M.A.C.T. and the said report has to be considered as a claim petition and proceed in accordance with law.

12. In the latest decision the Hon'ble Supreme Court has pleased to observe in a case of **Bageerathi-Dash V/s. Union of India and another, WP(C) No.166/2024** pleased to observe that no Motor accident claim should be dismissed as time barred. That apart, amended Proviso to Sec.166(3) of Motor Vehicles Act. **JAN VISHWAS (Amendment of Provisions Act 2026; No.8/2026)** reads as under:

“Provided that the Claims Tribunal may entertain an application for compensation after the expiry of the said period of six months from the date of occurrence of the accident, but within a further period not exceeding twelve months, if it is satisfied that

the applicant was prevented by sufficient cause from making an application within such period”.

This Amendment provides that claim tribunal may entertain petition after expiry of period of 6 months for further period of 12 months.

13. In the light of the above observations, if we consider the facts and circumstances of this case, after filing the complaint on 11.09.2018, the police have lodged FIR in Cr.No.303/2018. An information of accident was given to the jurisdictional police as soon as possible. As per mandate of the above referred decisions, investigating authorities are required to file report before the claim tribunal and also inform the claimants about their right to seek compensation. The investigating authority has to play vital role in this process. In this context, as the police complaint is filed immediately after the accident, S.166(3) of Motor Vehicle (Amended Act of 2019) has no application to the case on

hand. Considering the fact that Motor Vehicle Act is a social beneficiary legislation, it is just and proper to permit the claimant to redress his grievance by prosecuting this claim petition. Therefore, this court opined that claimants have made out grounds to allow IA No.I under section 5 of limitation Act. Accordingly, this issue No.3 under consideration is answered in the **Negative**.

14. **Additional Issue No.1** : Claimants pleaded and asserted that they being wife, children and father are the legal heirs of deceased Prasannakumar. The claimant no.1 entered into witness box and asserts that she is the wife, claimant no.2 and 3 are the children and claimant no.4 is the father of the deceased Prasannakumar. She has also placed Adhar cards from Ex.P.16 to 19 pertaining to the claimants and the Adhar card of deceased Prasannakumar. These documents prime facie show that they are the legal heirs of the deceased Prasannakumar. The respondents have

also not seriously disputed the relationship of the claimants with the deceased. Therefore, without discussing much, this court held that claimants are legal heirs of deceased Prasannakumar. Accordingly, additional Issue No.1 under consideration is answered in the **Affirmative**.

15. **Issue No.1 and 2** : Since these issues are inter-linked, they are taken up together for consideration to avoid repetition.

It is specific case of the claimants that, the deceased Prasannakumar B.N had suffered injuries in the road traffic accident occurred on 09.09.2018 at about 8.30 P.M. due to the rash and negligent riding of the motorcycle bearing Registration No.KA-16-Q-0552 (herein called as offending vehicle) by its rider. The respondent No.1 and 2 being owner and insurer of the offending vehicle have challenged the claim petition by filing respective written statement.

16. In order to prove negligence on the part of the rider of the offending vehicle resulted in present accident, apart from oral evidence of claimant No.1, they have also relied on the police documents from Ex.P.1 to P.9 as well as postmortem report of the deceased at Ex.P.8. The police documents clearly indicates that deceased Prasannakumar B.N met with an accident on the given date due to the rash and negligent riding of the offending vehicle by its rider. The police have registered Criminal Case on the complaint filed against the rider of the offending vehicle and after due investigation, filed charge sheet as per Ex.P.3. The postmortem report at Ex.P.8 provides that the deceased Prasannakumar B.N succumbed to the injuries sustained in the accident.

17. In the cross-examination of P.W.1, it has been elicited that road leading to Govinakere to Baguru runs in

the left side. Respondent No.1 who was proceeding from Bagur to Govinakere has to move in the right side of the road. The accident taken place in the left side of the road. She denied the suggestion that on the date of accident her husband was riding the bike without headlight and himself dashed to the bike coming from right side of the road. She has also denied the suggestion that, due to the accident caused by her husband, respondent no.1 has suffered head injury and lost conscious. She expressed ignorance regarding the suggestion that due to the injuries suffered in the accident, respondent no.1 was hospitalized and gained conscious after 21 days. She asserted that due to hospitalization of her husband, she was unable to file the complaint immediately. Her father-in-law has lodged the complaint on 11.09.2018. She denied the suggestion that since accident was taken place due to the fault of her

husband, they have filed the complaint belatedly and also unable to file the claim petition immediately.

18. It has been elicited in the cross examination of PW1 on behalf of respondent no.2 that, she has not personally witnessed the accident. She has admitted that respondent no.1 was not holding valid driving licence at the time of accident. She denied the suggestion that at the time of accident her husband was aged more than 50 years and also denied the suggestion since the accident taken place due to the negligence of her husband and that 1st respondent was not holding any type of valid driving licence at the given time of accident, respondent no.2 is not liable to pay compensation.

19. To prove his defence, the respondent no.1-rider and owner of offending motorcycle bearing registration NO.KA-16-Q-0552 is examined as RW.1. He has filed affidavit in lieu

of examination in chief. In the cross-examination of R.W.1, it has been elicited that the motorcycle bearing registration NO.KA-16-Q-0552 belongs to him and as on the date of accident he was riding the motorcycle and he was not holding driving licence to ride the motorcycle. He denied the suggestion that Prasannakumar has died in the accident due to rash and negligent riding of motorbike by him and he is giving false evidence denying petition averments. Respondent No.1 has asserted that, he has no money to pay compensation as he is a coolie/labourer.

20. Further, on behalf of respondent No.2-insurance company, the manager claims is examined as R.W.2. She has filed her affidavit in lieu of her chief examination. In the course of cross-examination it is suggested to RW.2 that as on 09.09.2018 the insurance policy issued by respondent no.2- insurance company was valid and effective. Though the witness admits this suggestion asserting the insurance

coverage as on the date of accident, but denied the liability, since there was breach of policy conditions. This witness also denied the suggestion that at the time of issuance of the policy, the insurance company is required to verify the driving licence of the insurer.

21. The respondent no.1 has examined two witnesses as R.W.1 and R.W.2 to prove that the accident was taken place due to the fault of the deceased and respondent no.1 suffered grievous injury in the said accident and shifted to the hospital by the said witnesses. In the cross-examination of these two witnesses, it has been elicited that they belongs to the village of respondent no.1. They are childhood friends. They came to know about the accident from the villager. They have not personally witnessed the accident. The said witnesses and others have shifted the Prasannakumar and respondent no.1 to the hospital in an auto rickshaw. They denied the suggestion that Prasannakumar died due to the

rash and negligent riding of motorcycle by the respondent no.1 and further states that they came to know from the persons gathered at the accident spot that Prasannakumar was riding his motorbike without headlight and without wearing helmet and caused the accident.

22. On marshaling of the facts in issue and appreciation of the evidence on record, it is obvious that, accident taken place between the bikes of deceased Prasannakumar and the respondent no.1 on 09.09.2018 at about 08.30 p.m. It is also not in dispute that respondent no.1 was not holding any type of driving licence to ride the motorcycle. Though respondent no.1 claims that deceased Prasannakumar was riding the motorcycle without headlight and came in wrong side and hit the motorcycle of the respondent no.1, the police documents and the charge sheet state contrary. Ex.P.5-IMV report clearly reads that front headlight and indicator of bike rode by the deceased was

damaged. This indicates that there was headlight to the motorbike on which the deceased Prasannakumar was proceeding on the date of accident. The spot sketch annexed to the spot mahazar indicates that the place of accident is extreme left of the road leading to Bagur. According to the petition averments on the date of accident, the deceased Prasannakumar was proceeding towards Bagur. Respondent no.1 has stated in his evidence that he was proceeding from Bagur to Kembali. As per the rough sketch of the accident spot, the respondent no.1 shall proceed on the left side of the road from South to north. But the accident spot shows that his bike has proceeded from left side of the road to the extreme right side of the road leading to Bagur. R.W.3 and 4 admittedly have not witnessed the accident, they have got information of the accident from others and reached the spot and shifted the injured persons to the hospital. Their evidence is not helpful to prove the defence of the respondent

no.1. Therefore, this court opined that the defence of the respondent no.1 is unsupported with the cogent evidence.

23. It is worth to note that this is a summary proceedings and it is suffice if claimants prima facie establish the accident. They need not establish the accident beyond all reasonable doubt as required under criminal cases. Therefore, scrutiny of oral and documentary evidence makes it clear that, claimants have proved that accident was occurred due to fault of the rider of offending motorcycle bearing registration No.KA-16-Q-0552 and deceased Prasannakumar has suffered grievous injuries in the accident and succumbed to the injuries. The respondent No.1 has failed to prove that the deceased himself hit the motorcycle. Hence, issue No.1 under consideration is answered in the **Affirmative** and issue No.2 under consideration is answered in the **Negative**.

24. **Additional Issue No.2:** The 2nd respondent has taken contention that the owner of the motorcycle bearing registration No.KA-16-Q-0552 has violated the terms and conditions of the policy, therefore, the 2nd respondent is not liable to indemnify the owner of motorcycle. It is discussed in issue no.1 that the respondent no.1 i.e. the rider of motorcycle bearing registration No.KA-16-Q-0552 has admitted in his evidence that he was not having valid driving licence to ride the motorcycle as on the date of accident. Further more the charge sheet reads that on the date of accident respondent no.1 was not holding valid and effective driving licence to ride the motorcycle.

25. The learned counsel for the respondent no.2 has relied on the authorities stated supra. The gist of the ratio laid down in the said decisions of the Hon'ble High Court of Karnataka by relying on the judgment of the Hon'ble Apex

court in the case of **National Insurance Company Limited V/s. Swaran singh & others** reported in **(2004) 3 SCC 297** and in the case of **Pappu V/s. Vinod Kumar Lamba** reported in **(2018) 3 SCC 208** and followed by the division bench of the Hon'ble High court of Karnataka in the case of **Hemalatha and others V/s. Bajaj Allianz General Insurance Company Limited** in MFA No.6154/2019 (decided on 14.12.2023) that, *'when the driver of the offending vehicle was not holding a driving licence and owner of the offending vehicle is participated in the proceedings before the Tribunal, the liability will have to be fasten as against the owner of the offending vehicle to made good the compensation. The contention of the owner that in view of there being policy valid as on the date of occurrence of accident, the insurance company could pay and recover the compensation, cannot be accepted.'* The ratio is aptly applicable to the case on hand. Since the respondent no.1

being owner of the offending vehicle, was not holding the driving licence, has committed the breach of policy condition. Hence, this court opined that respondent No.2 has proved that the owner of offending motorcycle has violated the terms and conditions of the policy. Therefore, the 2nd respondent is not liable to indemnify the owner. Accordingly, this additional issue no.2 under consideration is answered in the **Affirmative**.

26. **Additional Issue No.3:** The respondent No.2 has taken specific contention that the petition is bad for non joinder of necessary parties i.e. owner and insurer of motorcycle bearing registration No.KA-03-EH-1429. As such the petition is liable to be dismissed on this score alone. Further, as the accident is a collision between two vehicles the theory of composite negligence needed to be applied while apportioning the liability.

27. It is worth to mention that in a claim petition owner and insurance company of the offending vehicle are necessary parties. The claimants have produced charge sheet filed by the jurisdictional police i.e. Channarayapatna Rural Police against the rider of bike vehicle bearing registration No.KA-16-Q-0552 after due investigation that, his negligent riding was the reason for the accident. Therefore, arraying the owner and insurer of the motorbike in which the deceased was proceeding, is not required for effectual disposal of this claim petition. Hence, without discussing much, I answer additional issue No.3 under consideration in the **Negative.**

28. **Issue No.4:-** This court has already arrived at a conclusive opinion that claimants have established that the accident taken place due to rash and negligent riding of the offending vehicle by its rider. Therefore, the next point for

consideration before this Court is award of compensation and respondent's liability to pay the same to the claimants.

Loss of dependency: For the reasons stated and discussed supra, the claimants are the dependent representatives of the deceased Prasannakumar B.N. Claimants assert that deceased Prasannakumar B.N was doing agriculture and dairy farming and earning Rs.50,000/- per month. To prove the income, the claimants have produced RTC extracts pertaining to landed properties situated at Krishnapura Village as per Ex.P.11 to Ex.P.14. However, there is no proof of income derived from the said lands. Therefore, by considering the notional income chart dated 30.06.2026 prepared by the Hon'ble Karnataka State Legal Services Authority for the year of the accident i.e. 2018, the notional income of the deceased could be taken as Rs.12,500/- per month.

29. According to the claimants the age of deceased was '40' years. Adhar card of the deceased Prasanna Kumar B.N at Ex.P.15 shows that his date of birth is 09.08.1978 and his age was '**40**' years as on the date of accident. Therefore, the applicable multiplier is '**15**'.

30. Claimant No.1 to 4 being wife, children and father were dependents to the deceased. As per the dictum of Sarala Verma case, when the dependents are 4 to 6, the 1/4th of the income of the deceased has to be deducted towards personal expenses of the deceased. The monthly income of the deceased is assessed at **Rs.12,500/-**. The Hon'ble Supreme Court in the case of Pranay Sethi has held that there shall be addition of 25% towards future prospects in case the deceased is aged 40 years and self employed or drawing a fixed salary. Therefore, it would be appropriate to add future prospects only at the rate of 25% to the monthly

income, which would result in the income to be Rs.15,625/- per month {Rs.12,500 +(12,500 x 25%)}. After deducting one fourth (1/4th) towards personal expenses, the monthly income of the deceased for the purpose of determining the 'loss of dependency' would be Rs.11,719/-. Consequently, the claimants would be entitled to a sum of Rs.21,09,420/- (11,719 x 12 x 15) towards **loss of dependency**.

31. The Hon'ble Apex Court has fixed compensation under the conventional heads and same has to be awarded. The Hon'ble Apex Court also held there should be enhancement on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. Therefore, the claimants are entitled compensation under the head of transportation of dead body and funeral expenses a sum of Rs.18,150/-. The claimants are entitled each Rs.48,400/- under the head of loss of

consortium love and affection. The claimants are entitled Rs.18,150/- under the head of loss of estate.

32. Thus, the claimants are entitled for following compensation;

SL. NO.	Particulars	Amount
1.	Loss of dependency	21,09,420/-
2.	Love and affection and filial consortium to claimant Nos. 1 to 4 (48,400 x 4 = 1,93,600/-)	1,93,600/-
3.	Loss of estate	18,150/-
4.	Transportation of dead body and funeral expenses	18,150/-
	Total	Rs.23,39,320/-

Liability:

So far as the liability is concerned, the respondent No.2-insurance company has established that on the date of accident, the rider of offending vehicle was not holding

driving licence on the date of accident and thereby violated the policy conditions. Respondent No.2-insurance company is not liable to pay the compensation. The respondent No.1 being the owner of the offending vehicle is alone liable to pay the compensation. Hence, this court opined that, the respondent No.1 is liable to pay the entire compensation amount to the claimants. This petition is liable to be dismissed against respondent No.2-Insurance Company. Accordingly, I answer this issue No.4 under consideration **partly in affirmative** by holding that the claimants are entitled for compensation of **Rs.23,39,320/-** rounded off to **Rs.23,40,000/-** from the respondent No.1 with interest @ 6% p.a. from the date of petition till payment by the respondent No.1.

33. **Issue No.5:-** For the reasons stated above petition partly succeeds. Hence the following;

ORDER

Petition filed by the claimants U/s.166 of M.V.Act is partly allowed with costs.

Petition is dismissed against respondent No.2.

Claimants are entitled for compensation of Rs.23,40,000/- (Twenty three lakh forty thousand only) with interest at the rate of 6% per annum from the date of petition till realization.

IA.No.I under section 5 of Limitation Act filed by the claimants is hereby allowed.

The compensation amount awarded to claimants shall be apportioned at the ratio of 50:20:20:10.

Respondent No.1 shall deposit the compensation amount with interest, within 3 months from the date of award, failing which the award amount shall carry interest at the

rate of 9% per annum from the date of default.

Out of the total compensation awarded to claimant No.1 to 3, 50% shall be released on proper identification and 50% shall be deposited in fixed deposit in any nationalized bank of their choice for a period of three years, with liberty to draw interest periodically.

The entire amount allotted to the share of claimant No.4 being meager, shall be released in his favour on proper identification.

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

Draw award accordingly.

(Dictated to Stenographer Grade-III, transcribed by her, transcript revised, corrected, print-out, signed and then pronounced by me in the open court on this **29th** day of **July, 2026**)

(Kalpana M.S.)

4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.

ANNEXURE**WITNESSES EXAMINED FOR PETITIONER:**

P.W.1 : Poornima M.S

DOCUMENTS MARKED FOR PETITIONER:

- Ex.P.1 : Certified copy of complaint
- Ex.P.2 : Certified copy of FIR
- Ex.P.3 : Certified copy of charge sheet
- Ex.P.4 : Certified copy of death intimation
- Ex.P.5 : Certified copy of IMV report
- Ex.P.6 : Certified copy of Spot and seizure mahazar along with sketch
- Ex.P.7 : Certified copy of inquest report
- Ex.P.8 : Certified copy of PM report
- Ex.P.9 : Certified copies of photos of spot of accident
- Ex.P.10 : True copy of Statement of accused of deceased Prasanna Kumar B.N
- Ex.P.11 : RTC of Sy.No.7 of Krishnapura Village standing in the name of deceased Prasannakumar
- Ex.P.12 : RTC of Sy.No.9 of Krishnapura Village standing in the name of claimant No.1
- Ex.P.13 : RTC of Sy.No.7/P1 of Krishnapura Village standing in the name of deceased Prasannakumar
- Ex.P.14 : RTC of Sy.No.9/P1 of Krishnapura Village standing in the name of mother of deceased Prasanna Kumar
- Ex.P.15 : Notarized copy of Aadhar card of deceased

Prasanna Kumar

- Ex.P.16 : Notarized copy of Aadhar card of Petitioner No.1
- Ex.P.17 : Notarized copy of Aadhar card of Petitioner No.2
- Ex.P.18 : Notarized copy of Aadhar card of Petitioner No.3
- Ex.P.19 : Notarized copy of Aadhar card of Petitioner No.4

WITNESSES EXAMINED FOR RESPONDENTS:

- R.W.1 : Manjunatha
- R.W.2 : Mahima K.P
- R.W.3 : B.B.Yogesh
- R.W.4 : B.T.Mahesh @ Ramesh

DOCUMENTS MARKED FOR RESPONDENTS:-

- Ex.R.1 : Notarized copy of certificate of Registration of Splendor Plus Motorbike bearing Reg.No.KA-16-Q-0552
- Ex.R.2 : Original Insurance policy
- Ex.R.3 : Outpatient cash bill
- Ex.R.4 : Medical documents of Respondent No.1
- Ex.R.5 : Discharge summary
- Ex.R.6 : Original Authorization letter
- Ex.R.7 : Attested copy of Policy

(Kalpana M.S.)

4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.