

KAHV300007522023



**IN THE COURT OF PRL. SENIOR CIVIL JUDGE &
JMFC., HANGAL, AT: HANGAL**

: PRESENT :

Shri. MAHESH S. PATIL,
B.Sc., LL.B
Prl. Senior Civil Judge & JMFC.,
Hangal

Dated this 01st day of August, 2026

M.V.C.750/2023

BETWEEN:

1. Smt.Hirevva W/o Shekhappa Chikkeri,
Age: 50 Years, Occ: Household,
R/o: Baichuvalli, Tq: Hangal, Dist: Haveri.
2. Shekhappa S/o Chanabasappa Chikkeri,
Age: 62 Years, Occ: Agri,
R/o: Baichuvalli, Tq: Hangal, Dist: Haveri.
3. Rekha W/o Karabasappa Devagiri,
Age: 33 Years, Occ: Household,
R/o: Adur, Tq: Hangal, Dist: Haveri.
4. Mahesh S/o Shekhappa Chikkeri,
Age: 31 Years, Occ: Agriculture,
R/o: Baichuvalli, Tq: Hangal, Dist: Haveri.

...PETITIONERS

(BY SRI.B.C.K., ADVOCATE)

A N D :

1. Divisional Controller, KSRTC Mangalore
Division and its self- insurance fund Mangalore.

(Owner and Insurer of Bus bearing
Reg.No:KA-21/F-0246)

...RESPONDENT**(BY SRI.S.T.K., Adv.)****J U D G M E N T**

This is a claim petition filed by the petitioners under section 166 of the Motor Vehicles Act, 1988 against the respondent claiming compensation of Rs.69,00,000/- with interest @ 18% p.a. from the date of accident till its realization on account of death of Umesha S/o Shekhappa Chikkeri in the road traffic accident occurred on 14.04.2022.

2. The brief averments of the petitioner's case are as under;

It is the case of the petitioners that on 14.04.2022, at about 19.15., when the son of petitioners No.1 and 2 and brother of petitioners No.3 and 4 by name Umesha S/o Shekhappa Chikkeri was proceeding towards Baichvalli from

Shiggaon on Hangal-Bankapur road on motorcycle bearing its Reg.No.KA-27/ER-6433 and when he came near Masanakatti village, at that time the driver of the KSRTC bus bearing its Reg.No.KA.21/F-0246 came from Hangal side in rash and negligent manner and hit to the motorcycle and caused the accident. Due to the accident the rider of the said motorcycle died at the spot. The dead body was taken to Government Hospital, Akki-Alur wherein the postmortem of the deceased was conducted and was handed over to the relatives of the deceased who brought the same in a hired vehicle and cremation was performed as per religious and customs and spent Rs.1,00,000/-. Before the Accident the deceased was hale and healthy and aged 28 years and he was doing field officer in Fullerton India Credit Company Limited and getting monthly income of Rs.35,000/-. The petitioners are fully dependent upon the earnings of the deceased. The petitioners are leading their miserable life and due to unexpected death of deceased the entire family caused mental shock and agony. The death of deceased was due to rash and negligent driving of driver of KSRTC bus

bearing its Reg.No.KA.21/F-0246 involved in the accident belonging to the respondent. The respondent is the owner and self insurer of the said bus and he is liable to pay the compensation. Hence, sought to award the compensation as prayed in the petition herein above.

3. After service of notice the respondent appeared through its counsel and filed its objection to the main petition.

4. The respondent in his objection statement to the main petition has denied all the averments made in the petition in para-wise in detail and in toto. It is contended that, the petition is illegal, improper and not maintainable under law. The respondent denied the date, time and nature of accident as well as denied about injuries caused to Umesha S/o Shekhappa Chikkeri and also denied about the avocation and income of deceased. The respondent contended that, the accident was not caused due to rash and negligent driving on the part of driver of KSRTC bus bearing its Reg.No.KA.21/F-0246. It is also

contended that, deceased was not holding driving license at the time of accident and the petitioners and police colluded together, lodged a false complaint against KSRTC driver. It is also contended that, the respondent is not liable to pay any compensation and without admitting any liability the respondent had paid interim compensation of Rs.25,000/- to the petitioners. Hence, prayed to dismiss the petition.

5. Based on the above pleadings, my learned predecessor the then in office has framed the following Issues;

ISSUES

- 1. Whether the petitioners prove that, the son of petitioners No.1 and 2, brother of petitioners No.3 and 4 by name Umesh died in a motor vehicle accident that occurred on 14.04.2022 at about 7.15 pm near Masanakatti village on Hangal-Bankapur road due to the rash and negligent driving of the driver of KSRTC Bus bearing Reg.No.KA-21/F-0246 when deceased was moving by riding his motorcycle bearing Reg.No.KA-27/ER-6433?*
- 2. Whether the respondent proves that, the petition is barred by limitation?*

3. *Whether the respondent further proves that, deceased was not holding valid and effective driving license at the time of the accident?*
4. *Whether the petitioners are entitled for compensation? If so, for what amount and from whom?*
5. *What order or award?*

6. The petitioner No.1 is examined as PW.1 and in all 14 documents were marked as Ex.P.1 to P14 and PW1 examined another one i.e., Umesha S/o Shekhappa Danappanavar as PW2 and closed her side. On the other hand, the driver of KSRTC by name Nabisab S/o Fakkirasab Pinjar examined on behalf of respondent as RW-1 and got marked one document as ExR-1 and closed its side.

7. I have heard the argument submitted by the counsel for petitioners and respondent. Perused the materials placed before this Court.

8. My answers to the above points are as under

- | | |
|--------------|-----------------|
| Issue No.1 : | In Affirmative. |
| Issue No.2 : | In Negative. |

Issue No.3 : Does not arise for
consideration
Issue No.4 : Partly in Affirmative.
Issue No.5 : As per final order
for the following:

REASONS

9. ISSUE NO.1 :- As could be seen from the records it is the specific case of the petitioners that the son of the petitioners No.1 and 2 and brother of the petitioners No.3 and 4 by name Umesha S/o Shekhappa Chikkeri aged 28 years has died in the road traffic accident that took place on 14.04.2022 at 19.15., near Masanakatti village, on Hangal- Bankapur road while the motorcycle bearing Reg.No.KA.27/ER-6433 which the deceased was riding was hit by the bus bearing Reg.No.KA.21/F-0246 which was rashly and negligently driven by its driver which was owned and insured by the respondent. The postmortem was conducted in the Government Hospital, Akki-Alur and the dead body of the deceased was handed over to the petitioners, they have spent Rs.1,00,000/- towards the funeral of the deceased and transportation of the dead body. The deceased was the only earning member

of the family consisting up of the deceased and petitioners. Prior to the death, the deceased was hale, healthy, doing Field Officer and getting monthly income of Rs.35,000/-. Due to the untimely death of the deceased, the petitioners thrown to the street. The petitioners are suffering physically, mentally and financially due to no fault on their part. The accident took place due to the rash and negligent driving up of the aforesaid offending bus owned and self insured by the respondent. Hence, the respondent is liable to pay the compensation to the petitioners as prayed for.

10. In order to prove their such case, the petitioner No.1 is examined herself as PW-1 and got marked ExP.1 to ExP.14 and closed her side.

11. The P.W.1 in her examination-in-chief filed through her affidavit has reiterated the very averments stated in her claim petition and prayed to award the compensation as sought for in the claim petition.

12. In order to substantiate her such evidence the PW-1 has produced and relied upon 14 documents at Ex.P.1 to 14. As regards the present issue under consideration it is ExP.1 to 9 which are necessary to discuss the same.

13. The document of ExP.1 is the True copy of the First information statement dated 14.04.2022 lodged by the father of the deceased by name Sri.Shekhappa S/o Channabasappa Chikkeri. In FIS the very averments stated in claim petition are cited.

14. The document of Ex.P2 is the true copy of the First Information Report registered by the Adur Police Station at Cr.No.65/2022 for the offences punishable U/Sec.279 and 304(A) of IPC., on 14.04.2022, for the alleged incident that took place on the same date at about 19.15., on the basis of the FIS lodged by aforesaid person against the driver of the aforesaid bus herein and deceased.

15. ExP.3 is the true copies of the spot panchanama and Ex.P4 is the seizure mahazar

conducted by the aforesaid police at the spot of the accident in the presence of two independent pancha witnesses on 16.04.2022 between 13 to 14 and between 14.30 to 15.30 respectively. Ex.P5 is the true copy of photo, which shows that the accident alleged took place on the date, time, place and in the manner stated in the claim petition.

16. ExP.6 is the true copy of the motor vehicle accident report conducted by jurisdictional IMV Inspector which discloses that he had inspected the vehicle on 18.04.2022 at 3.40 p.m. in the premises of aforesaid police station. The M.V. Inspector has observed that the bus bearing KA.21/F-0246 has sustained the damages at Right side corner bottom portion of the front wind screen glass cracked, Right side headlight and front right side indicator assembly damaged, Right side portion of the front show dented and damaged and Right side corner portion of the front bumper bent and damaged whereas the motor cycle has sustained the damages headlight doom, front both indicators, speedometer and front wheel assembly damaged. Therefore it goes

to show that the accident took place head on. The M.V.Inspector has opined that the alleged accident not occurred due to any mechanical defect of any of the vehicles involved in the accident.

17. The document of Ex.P7 is true copy of the inquest panchanama conducted on the dead body of the deceased by the aforesaid police on 15.04.2022 between 9.30 am to 10.30 am. Wherein, his age is shown as 28 years.

18. ExP.8 is the true copy of the postmortem report conducted on the dead body of the deceased on 15.04.2022 at Akki-Alur Government Hospital between 11 a.m. to 12.45 p.m. As per which it goes to show that the cause of death is due to cardica respiratory arrest secondary to Head injuries due to the road traffic accident.

19. The document of ExP.9 is the true copy of the charge sheet submitted by the aforesaid police against the deceased and driver of the bus. The driver of the offending bus is charged for

offences punishable U/Sc.279 nad 304(a) of IPC., whereas he deceased is charged for the offences punishable under Section 3(1) R/w Section 181, 146 R/w Section 196 and Section 185, 188 of IMV Act.

20. Apart from the oral evidence the PW 1 and the above discussed criminal prosecution documents, the PW1 has also examined one of the eye witness to the accident alleged by the name Umesh S/o Shekhappa Danappanavar as PW2. The PW2 is none other than the one of the charge-sheet witness arrayed at serial No.6 of the charge-sheet. In his examination-in-chief submitted through his affidavit he has stated in coordination with what has been stated by the PW1 in his examination-in-chief and pertaining to the manner of the accident alleged. As against this the respondent Corporation has examined the driver of the bus who was driving the offending bus at the time of the accident as RW1. In his such evidence he has blamed the PW1 for the entire negligence in causing the accident. But however I am of the opinion that, the PW2 who was present in side the bus and sitting next to

the Rw1, clearly has stated that, the entire negligence in causing the accident alleged is of the RW1. There are every chances the RW1 might be deposing false only to save his skin.

21. Therefore, these oral evidence as well as documents as of now and prima-faice indicate that the deceased has died in the road traffic accident on the date, time, place and in the manner stated in the claim petition. Moreover, the jurisdictional police have submitted the charge sheet while discharging their official duty. Hence, acting U/Sec.114 of Indian Evidence Act, the Court is constrained to presume the genuineness of the charge sheet. The driver of offending bus is examined himself as RW.1 and stated that the accident alleged took place due to the rash and negligent driving up of the deceased. In this regard he has also produced the letter of authority issued by the respondent to depose on its behalf. But however, the respondent has not challenged the charge sheet submitted against the accused. Therefore, I am of the opinion that the bare oral deposition are not sufficient to rebut the presumption raised by this Court. Hence, I

am of the opinion that the deceased has died due to the rash and negligent driving up of the aforesaid offending bus by its driver. Hence, this Issue is answered accordingly.

22. ISSUE NO.2: The said issue arising due to the delay on the part of the claimant in filing the claim petition. But however, during the pendency The learned counsel for the petitioner has submitted an interim application at IA.no.3 under Section 5 of Limitation Act seeking condonation of delay of 406 days in filing the present claim petition. As against this the respondent corporation has submitted oral objections. After hearing both the side this court represented by the undersigned was pleased to honor the said IA.No.3 through order dated 15.06.2026. it seems the said order is no where challenged and therefore, the said order has reached its finality. Therefore, this issue is answered accordingly.

23. ISSUE NO.3: The respondent corporation has also contended that, the deceased had no driving license to ride the motorcycle and also the motorcycle was not insured to cover 3rd partly

liability at the time of the accident. Therefore, the police have charge-sheeted the deceased for the offences punishable under Section 3 R/w Section 181 and 146 R/w Section 196 of IMV Act. But however, the charges of rashness and negligence are on the part of the driver of the offending bus. Moreover, while discussing the issue no1 it is held and concluded that, the entire negligence is on the part of the RW1 in causing the accident alleged. Therefore, mere absence of the driving license or policy of the insurance of the motorcycle itself is not the ground to dis-entitle the petitioners of their claim or to reduce the quantum of the compensation payable, if any due to absences of any proof of the contribution of the deceased in causing the accident alleged. Therefore, this issue is answered as does not arise for consideration.

24. ISSUE NO.4:- The PW-1 in her examination-in-chief further states that the deceased was hale, healthy, aged 28 years and earning monthly income of Rs.35,000/- by doing Field Officer in above mentioned company. The deceased was the only earning member of the family consisting up

of the deceased and the petitioners and due to his untimely death the petitioners have suffered physically, mentally and financially. The petitioners have lost their loving son. Since the accident took place due to the rash and negligent driving up of the aforesaid offending bus by its driver, the respondent is liable to pay the compensation as sought for.

25. The P.W.1 claims that deceased was aged 28 years. In order to prove the same, the petitioners have produced Ex.P10 i.e., Aadhaar card of the deceased and date of birth is 06.08.1993 and the accident is occurred on 14.04.2022. So, the age of the deceased is 29 years. Therefore in view of the law laid down in the Sarla Varma case the proper multiplier is 17.

26. The P.W.1 further claims that the deceased was a Field Officer and earning Rs.35,000/- by doing work. But no documents are produced. Under these circumstances, and left with no other option the Court is constrained to rely upon the notification dated 26.02.2022 issued by KSLSA for revised notional income chart for the

year 2020-2022 wherein the notional income of such persons is mentioned. Hence, the notional income for the year 2022 which is the year of the accident alleged in the present case, the same comes to Rs.14,750/-. The deceased was unmarried and only the petitioner Nos. 1 and 2 alone can be said as the victims cum dependents of the deceased, whereas the petitioner No. 3 is the married sister and petitioner NO. 4 is the adult brother of the deceased. Therefore I am of the opinion that the self expenses can be considered as half. Upon such calculation the loss of dependency comes to;

$$\text{Rs.14,750/-} \times 12 \times \frac{1}{2} \times 17 = 15,04,500/-$$

27. In view of the Law laid down in the NICL V/s. Pranaya Sethi, the petitioners are also entitled for the loss of future prospectus which is 40% looking to the age of the deceased. The same comes to Rs.6,01,800/-. Hence, the total compensation amount under head of loss of dependency comes to Rs.21,06,300/-. The petitioners are also entitled for the compensation

under the non-pecuniary heads as per the following :

Sl. No.	Under the Heads of:	Amount	
1.	Loss of consortium towards petitioner No.1 to 4 (Rs.40,000/- each)	Rs.	1,60,000-00
2.	Towards funeral.	Rs.	15,000-00
3.	Towards Loss of estate.	Rs.	15,000-00
4.	Loss of dependency	Rs.	21,06,300-00
	Total	Rs.	22,96,300-00

Hence, the petitioners are entitled to total compensation amount of **Rs.22,96,300/-** along with interest to be awarded.

28. LIABILITY : The PW-1 in her examination-in-chief further states that the accident took place due to the rash and negligent driving up of RW1 of respondent bus and therefore, the respondent is liable to pay the compensation as sought for in the claim petition since the respondent is owner and insurer of the offending bus. Though respondent has contended about the negligence of the deceased, but as per the Issue No.1, it is already held and concluded that the entire

negligence is upon the offending bus in causing the accident. Moreover, the drivers are appointed after thorough inspection of the documents and their verification. Therefore, the question of violations of any of the provision of the Motor Vehicles Act, does not arise. Therefore, it is the respondent who is liable to pay the compensation along with with interest to be awarded. Hence, with these observations, I answer this Issue accordingly.

29. INTEREST : In so far as awarding of interest on the compensation amount is concerned, in MFA.No.103557/2016 (between Sriram General Insurance Co. ltd., V/s Smt. Lakshmi & others, dd 20-03-2018) the Hon'ble High Court of Karnataka, Bengaluru has held that as per Sec.34 of CPC the rate of interest that can be awarded on Judgments cannot be more than **6% p.a.** and that since Sec.149 of M.V. Act provides for the interest on Judgments, the interest to be awarded in claim Petitions has to be **6% p.a.** and not more than that. Hence, I hold that the petitioners are entitled for interest **@6% p.a.**, from the date of petition till the date of payment

on the total compensation. However, the respondent No.2 is not liable to pay the interest on the compensation amount awarded under the head of future prospects.

30. ISSUE NO.5 :- For the reasons discussed on above issues, I proceed to pass the following:

ORDER

The petition filed by the petitioners Under Section 166 of Motor Vehicles Act is partly allowed.

The respondent is liable to pay compensation of **Rs.22,96,300/-** along with interest at the rate of 6% p.a. from the date of petition till its actual payment. However the respondent is not liable to pay the interest on the compensation amount awarded under the head of loss of future life prospectus.

The Respondent shall deposit the above compensation amount with interest within one month from today.

Out of the total compensation amount awarded, the petitioner No.1

and 2 are entitled 40% each for compensation. Whereas, the petitioners No.3 and 4 are entitled 10% each for compensation.

After deposit of the compensation amount, out of the share of petitioners No.1 and 2, 50% each shall be released to petitioner No.1 and 2 and remaining 50% each shall be kept in FD in the names of petitioner No.1 and 2 for a period of three years in any Nationalized Bank on proper identification.

Whereas, the share of petitioners No.3 and 4 shall be released to petitioner No.3 and 4 on proper identification.

Advocate fee is fixed to Rs.1,000/-.

Draw up award accordingly.

(Dictated to the stenographer directly on computer, script revised, corrected, signed by me and then pronounced in the open court on this 01st day of August, 2026)

(SRI.MAHESH S. PATIL)
PRL. SENIOR CIVIL JUDGE & JMFC,
HANGAL.

ANNEXURE**WITNESSES EXAMINED ON BEHALF OF PETITIONER:**

PW-1 Smt.Hirevva W/o Shekhappa Chikkeri
PW-2 Sri.Umesha Danappanavar

DOCUMENTS MARKED ON BEHALF OF PETITIONER:

ExP.1 True copy of complaint
ExP.2 True copy of FIR
ExP.3 True copy of spot panchanama
Ex.P4 True copy of seizure mahazar
Ex.P5 True copy of photo
ExP.6 True copy of M.V.I report
ExP.7 True copy of inquest mahazar.
ExP.8 True copy of Postmortem report.
ExP.9 True copy of charge sheet.
ExP.10 & 13 Attested copies of Adhaar cards of
 the petitioners and deceased
Ex.P14 Genealogy tree of petitioners.

WITNESS EXAMINED ON BEHALF OF RESPONDENT:

RW-1 Nabisab Pinjara

DOCUMENT MARKED ON BEHALF OF RESPONDENT:

ExR1 & Receipts
2

(SRI.MAHESH S. PATIL)
PRL. SENIOR CIVIL JUDGE & JMFC,
HANGAL.