

KAKB610015432023



Presented on : 20-12-2023
Registered on : 26-12-2023
Decided on : 16-03-2026
Duration : 2 years, 2 month, 21 days.

**IN THE COURT OF SENIOR CIVIL JUDGE & MEMBER M.A.C.T. IX,
JEWARGI**

**PRESENT :- Smt. Tayyaba Sultana, B.A., LL.B.,
Senior Civil Judge & MACT.XV,
Jewargi.**

Dated this the 16th day of March-2026.

MVC.No.1859/2023

PETITIONERS :-

1. Smt. Lakkamma W/o Ninganna
Kelginmani,
Age: 40 years, Occ: Housewife,
2. Ningana S/o Sharnappa Kelaginmani,
Age: 38 years, Occ: Agriculture,
3. Mallappa S/o Ninganna Kelaginmani,
Age: 15 years, Occ: Student,

All residents of Janiwar village,
Taluk Jewargi, District Kalaburagi.

[By Sri S. A. K., Advocate]

- V/S -

**RESPONDENT/S :-**

1. Hanamanthraya S/o Siddanna,
Age: Major, Occ: Agriculture,
and owner of the Motorcycle,
KA-32/EL-2070,
R/o Janiwar village,
Taluk Jewargi,
District Kalaburagi.
2. Cholanmandalam MS General Insurance Co,
Ltd.,
Through its Manager Legal Cell,
Near Sarige Bhavan, Opp KBN Hospital,
Kalaburagi,
Policy No.3361/60263033/000/00
wef 24-11-2022 to 23-11-2023.

[R-1 by Exparte]

[R-2 by Sri V. C. M. P, Advocate]

::J U D G M E N T::

1. The present claim petition is filed by the petitioners under Section 166 of Motor Vehicles Act for claiming total compensation of `51,25,600/- on account of death of Santosh S/o Ninganna Kelaginmani, in the Motor Vehicle Accident.

2. **The brief facts of the petition are as follows:-**

That the petitioner No.1 is the mother, petitioner No.2 is father and petitioner No.3 is the minor brother of



the deceased Santosh in relation and they are only dependent upon the income of the deceased Santosh. On 21-09-2023 the deceased Santosh had been to attain the Coolie work on the instructions of the owner, he purchased the Pesticide Oil, at Jewargi Town and returning to his village on his motorcycle, the deceased Santosh was riding the said motorcycle slowly and cautiously at about 7.30 p.m., when he was near the Vakil Halla, on Jewargi-Vijayapur NH road, at the point of time one motorcycle bearing Reg.No.KA-32/EL-2070 came in opposite direction ride by its rider in high speed, in a rash and negligent manner, endangering to the road users and dashed to the deceased Santosh's motorcycle, as result of which the deceased Santosh has sustained Grievous injuries over the head, grievous injuries over the left leg and foot and other vital parts of the body, thereafter immediately he as shifted to Care Zone Hospital, Kalaburagi in a Ambulance, wherein he was treated as an inpatient about few hours but unfortunately he was succumbed to the injuries during treatment at about 02.00



a.m., (Mid night) on 22-09-2023 and the petitioners have spent Rs.25,000/- towards medical expenditure.

3. It is further case of the petitioners that, prior to the accidental death, the deceased Santosh was hale and healthy, aged about 18 years and earning Rs.21,000/- per month by doing coolie work, if the deceased Santosh has survived, he may earn more than in the future, what was he earning prior to his accidental death, add 40% towards future prospectus ($\text{Rs.21,000} + 8,400 = 29,400/-$ monthly income), the annual income is Rs.29,400/- by deducting 1/3rd towards personal expenses the monthly income is Rs.19,600/-, $\text{Rs.19,600/-} \times 12 \times 18(\text{M}) = 42,33,600/-$, spending his entire income towards the welfare of his family, the petitioners No.1 and 2 have lost their bread earner and caretaker in the old age, the deceased Santosh was paying the fees and other study expenses to his minor brother, he is also dependent upon the income of the deceased Santosh and now life became miserable and petitioners are leading a very miserable life.



4. It is further case of the petitioners that the said accident occurred due to rash and negligent riding of a motorcycle vehicle bearing Reg.No.KA-32/EL-2070 by its rider, the claim petition is filed with limitation. The respondent Nos.1 and 2 being the owner the insurer of the motorcycle vehicle bearing Reg.No.KA-32/EL-2070, its policy is in force on the date of said accident, the risk of the third party is covered under the policy issued by the respondent No.2 company, therefore the respondents No.1 and 2 are jointly and severally liable to pay the compensation to the petitioners for the act done by the rider of the said offending vehicle, as claimed by the claimants under the following heads.

1	Loss of dependency	Rs.42,33,600/-
2	Loss of parental consortium	Rs.88,000/-
3	Loss of filial consortium	Rs.44,000/-
4	Loss of love and affection	Rs.2,00,000/-
5	Funeral and transportation charges	Rs.25,000/-
6	Loss of estate	Rs.5,00,000/-
7	Litigation expenses	Rs.10,000/-
8	Loss of Medical Expenses	Rs.25,000/-
		Rs.51,25,600/-



With these pleadings the petitioners have sought to allow the petition.

5. On issuance of notice to the respondents, the respondent No.1 though served with summons, did not appear before the court. Hence he placed exparte. Whereas respondent No.2 appeared through its counsel and filed objection statement to main petition.

6. The objection statement filed by the respondent No.2 as is follows:

All the material allegations made in the claim petition are false, frivolous and incorrect and as such the petition is not maintainable either in law or on the facts. Further as per the new amendment act, claim petition is not maintain on the ground that, it is barred by the limitation. This respondent does not admit and denies all the allegations made in the petition and the petitioners be put to strict proof of all the allegations except those, which are specifically admitted hereby. The age, occupation and income of the deceased Santosh, as stated in the claim



petition is hereby denied by the respondent No.1 as false and baseless and claimant must be put the strict proof. To show the age of deceased Santosh petitioners have not produced Aadhaar card of deceased. Petitioners may be directed to produced the Aadhaar card of deceased Santosh. Therefore, claimants must be put to strict proof.

7. It is further case of the respondent No.2 that, this respondent No.2 denies the relationship of claimants with the deceased Santosh, for want of knowledge and subject to strict proof. Further petitioners are not dependent on the income of deceased Santosh. The respondent no.2 does not admit and denies the allegations regarding the manner in which the alleged accident said to be have occurred. The deceased Santosh was riding the said motorcycle without having driving license and said alleged accident is cause due to the sole negligent on the part of deceased Santosh. Therefore the question of fastening the liability on respondent No.2 does not arise. Hence, the claim petition is liable to be dismissed with costs.



8. It is further case of the respondent No.2 that, according to Section 129 of M.V. Act riding a two wheeler without a helmet is a serious traffic violation and Hence, illegal. Further it is submitted by this respondent but without admitting any liability that, at that time of accident the ceased Santosh was riding the motor cycle without having driving valid license and without wearing helmet, that as per law the rider and pillion rider of motorcycle should wear the helmet. Hence, this respondent company is not liable to pay the compensation to the petitioners. As per police papers the motorcycle bearing engine No.MBLHAW113L4H02484 was involved in the alleged accident and the petitioners have not impleaded the owner and insurer of the said vehicle to the claim petition. They are also necessary parties to the claim petition for deciding the above case. Hence, the claim is bad in law for non-joinder of necessary parties, as such the claim petition is not maintainable and is liable to be dismissed.
9. It is further case of the Respondent No.2 that the motorcycle bearing registration No.KA-32/EL-0270 is



insured with respondent No.2 company as on the date of alleged accident and the liability and responsibility, if any of this respondent is subject to the terms and conditions in addition to the limitations and exceptions of the insurance policy issued by this respondent and also subject to the validity of R.C. of the vehicle in question and subject to validity of driving license of the rider.

10. It is further case of the Respondent No.2 that does not admit and denies that prior to the accident the deceased was aged about 18 years and the deceased was hale and healthy prior to the accident and earning Rs.21,000/- per month by doing coolie work. Petitioners have not filed any documents to show the occupation and income of deceased, therefore claimants must be put to strict proof for the same. It is further denied as false and baseless that claimants were dependent on the income of deceased and he was the only earning member of the family.



11. It is case of the Respondent No.2 that as per Section 134 C of M.V. Act 1988, it mandatory duty of the insured/respondent No.1 herein to furnish the particulars of policy, date, time and place of accident, particulars of injured and the name of the driver and particulars of the driving license, but the insured/ respondent No.1 herein has not complied with statutory demand. Hence, this respondent is not liable to pay any compensation and the case is liable to be dismissed against this respondent for non compliance of statutory demand. Without prejudice to the facts narrated in the above paras of the counter, respondent No.2 submits that the rider of the motorcycle bearing Reg.No.KA-32/EL-2070 was not holding a valid and effective driving license at the time of the accident and further was not qualified for holding or obtaining such driving license and further has not satisfied the requirements of the Rule No.3 of the central Motor vehicle Rules 1989. The respondent No.1 being the owner of the vehicle has handed over the possession of the vehicle to an unauthorized rider knowingly to ride the vehicle and



therefore has contravened the proviso of the M.V. act and the rule framed there under and have committed the breach of the terms and conditions of the policy.

12. It is further case of the Respondent No.2 that, as per Section 158(6) of M.V. Act, 1988, it is mandatory duty of the concerned police station to forward all the relevant documents to the concerned insurer within 30 days from the date of information, but the Jewargi police station, failed to forward the documents and not complied with the statutory demand. The respondent No.2 reserves the right to contest the claim of the claimants on all the grounds that are available to respondent No.2 the owner of the vehicle under Section 170 of M.V. Act, in case if he not contesting the claim or not supporting with the respondent No.2 colluding with the petitioner in contenting the claim. Without prejudice to the above contentions, this respondent No.2 submits that the amount of Rs.51,25,600/- with interest and costs claimed by the petitioner in the petition is more excessive, exorbitant and



exaggerated and the petitioner is not entitled for the same from the respondent No.2. Hence, prayed for dismissal of the petition.

13. Based on the above pleadings my predecessor in office has framed the following Issues:

:: ISSUES::

1. Whether the petitioners prove that they are the only Legal Representatives and dependents of deceased Santosh S/o Ninganna Kelaginmani?
2. Whether the petitioners further prove that on 21-09-2023 at about 7.30 p.m., on Jewargi-Vijayapur NH road, near Vakil Halla, within the jurisdiction of Jewargi Police Station in view of negligent use of Motorcycle vehicle bearing registration No.KA-32 EL-2070 by its rider an accident took place resulting death of Santosh S/o Ninganna Kelaginmani?
3. Whether the respondent No.2 company proves that the rider of the offending Motorcycle vehicle bearing registration No.KA-32 EL-2070 and deceased Santosh were not holding valid and effective Driving License as on the date of the accident?
4. Whether the respondent No.2 company further proves that there was violation of



terms and conditions of the policy as such the liability of respondent No.2 is exonerated?

5. Whether the petitioners are entitled for the compensation? If so, how much and from whom?

6. What order or award?

14. In order to prove the above issues, the petitioner No.2 examined himself as PW.1 and got marked 7 documents as per Ex.P.1 to P.7. The respondent No.2 not lead evidence and not marked any documents.

15. Heard arguments.

16. My findings to the above issues are as follows:-

Issue No.1	:	In Affirmative.
Issue No.2	:	In Affirmative
Issue No.3	:	In Negative.
Issue No.4	:	In Negative.
Issue No.5	:	In partly Affirmative
Issue No.6		As per final order, for the following:



:: R E A S O N S ::

17. **ISSUE No.1 to 4 :-** These issues are inter connected with each other and as such they are taken for discussion together.
18. According to the petitioners, the petitioner No.1 is the mother, petitioner No.2 is father and petitioner No.3 is the minor brother of the deceased Santosh in relation and they are only dependent upon the income of the deceased Santosh. On 21-09-2023 the deceased Santosh had been to attain the Coolie work on the instructions of the owner, he purchased the Pesticide Oil, at Jewargi Town and returning to his village on his motorcycle, the deceased Santosh was riding the said motorcycle slowly and cautiously at about 7.30 p.m., when he was near the Vakil Halla, on Jewargi-Vijayapur NH road, at the point of time one motorcycle bearing Reg.No.KA-32/EL-2070 came in opposite direction ride by its rider in high speed, in a rash and negligent manner, endangering to the road users and dashed to the deceased Santosh's motorcycle, as result of which the deceased Santosh has



sustained Grievous injuries over the head, grievous injuries over the left leg and foot and other vital parts of the body, thereafter immediately he as shifted to Care Zone Hospital, Kalaburagi in a Ambulance, wherein he was treated as an inpatient about few hours but unfortunately he was succumbed to the injuries during treatment at bout 02.00 a.m., (Mid night) on 22-09-2023 and the petitioners have spent Rs.25,000/- towards medical expenditure.

19. It is further case of the petitioners that, prior to the accidental death, the deceased Santosh was hale and healthy, aged about 18 years and earning Rs.21,000/- per month by doing coolie work, if the deceased Santosh has survived, he may earn more than in the future, what was he earning prior to his accidental death, add 40% towards future prospectus (Rs.21,000+ 8,400= 29,400/- monthly income), the annual income is Rs.29,400/- by deducting 1/3rd towards personal expenses the monthly income is Rs.19,600/-, $\text{Rs.19,600/-} \times 12 \times 18(\text{M}) = 42,33,600/-$, spending his entire income towards the welfare of his family, the petitioners No.1 and 2 have lost their bread



earner and caretaker in the old age, the deceased Santosh was paying the fees and other study expenses to his minor brother, he is also dependent upon the income of the deceased Santosh and now life became miserable and petitioners are leading a very miserable life.

20. It is further case of the petitioners that the said accident occurred due to rash and negligent riding of a motorcycle vehicle bearing Reg.No.KA-32/EL-2070 by its rider, the claim petition is filed with limitation. The respondent Nos.1 and 2 being the owner the insurer of the motorcycle vehicle bearing Reg.No.KA-32/EL-2070, its policy is in force on the date of said accident, the risk of the third party is covered under the policy issued by the respondent No.2 company, therefore the respondents No.1 and 2 are jointly and severally liable to pay the compensation to the petitioners for the act done by the rider of the said offending vehicle.

21. In order to prove the above issue, the petitioner No.2 got examined himself as PW.1 and got marked 7 documents as



per Ex.P.1 to P.7. Among them, Ex.P.1 is certified copy of complaint in handwritten. Ex.P.2 is certified copy of FIR. Ex.P.3 is certified copy of Spot Mahazar . Ex.P.4 is certified copy of inquest panchanama. Ex.P.5 is certified copy of Post Mortem report. Ex.P.6 is certified copy of Motor Vehicle Accident report. Ex.P.7 is certified copy of charge sheet.

22. On perusal of Ex.P.1 complaint it is clear that, the brother of deceased by name Siddanna S/o Ninganna Kelaginmani has lodged complaint before the Jewargi Police Station on 22-09-2023. Further on perusal of Ex.P.2 FIR, it reveals that based on Ex.P.1 complaint, the Jewargi police have registered a case against the rider of the motorcycle bearing Registration No.KA.32/EL-2070. On perusal of charge sheet as per Ex.P.7 it reveals that, the Jewargi Police have filed charge sheet against the rider of the motorcycle bearing Registration No.KA.32/EL-2070 for the offences punishable under Section 279, 304(A) of Indian Penal Code and Section 187 of Motor Vehicles Act, On perusal of Ex.P.5 Post Mortem report it reveals that, death is due to head injury sustained.



23. On the other hand, the respondent No.2 has taken the specific contention that the deceased Santosh was riding the said motor cycle without having driving license and said alleged accident is cause due to the sole negligent on the part of deceased Santosh. Therefore the question of fastening the liability on respondent No.2 does not arise. According to Section 129 of M.V. Act riding a two wheeler without a helmet is a serious traffic violation and Hence, illegal. Further this respondent but without admitting any liability that, at that time of accident the ceased Santosh was riding the motor cycle without having driving valid license and without wearing helmet, that as per law the rider and pillion rider of motorcycle should wear the helmet. Hence, this respondent company is not liable to pay the compensation to the petitioners. As per police papers the motorcycle bearing engine No.MBLHAW113L4H02484 was involved in the alleged accident and the petitioners have not impleaded the owner and insurer of the said vehicle to the claim petition.

24. It is further case of the Respondent No.2 that the motorcycle



bearing registration No.KA-32/EL-0270 is insured with respondent No.2 company as on the date of alleged accident and the liability and responsibility, if any of this respondent is subject to the terms and conditions in addition to the limitations and exceptions of the insurance policy issued by this respondent and also subject to the validity of R.C. of the vehicle in question and subject to validity of driving license of the rider.

25. In order to disprove the case of the petitioners, the respondent No.2 not adduced evidence and not marked any documents.
26. In so far documentary evidence is concerned, I have perused the same. Ex.P.2 FIR which is registered by Jewargi Police under Crime No.229/2023 for the offences punishable under Section 279 and 304(A) and Section 187 of Motor vehicles Act, against the rider of the motorcycle based on the complaint at Ex.P-1 lodged by one Siddanna S/o Ninganna Kelaginmani on 22-09-2023. Ex.P-7 is charge sheet filed



against the rider of the offending motorcycle for the aforementioned offences. Ex.P-3 is the spot panchanama produced along with hand sketch and on perusal of the same, it appears that police conducted panchanama and drawn sketch which is not in dispute. Ex.P-6 is the IMV report where damages noted in both motorcycles. Ex.P-5 is the P.M. report which conducted on 22-09-2023. Therefore, in the light of the above documents coupled with testimonies of PW.1, I am of the opinion that, the petitioners have proved the accident which took place due to rash and negligent riding by the rider of motorcycle bearing No.KA-32/EL-2070 and consequently, Santosh S/o Ninganna Kelaginmani died in the said accident which is evident from Ex.P.5.

27. In so far as relationship/dependency of the petitioners on the income of the deceased Santosh is concerned, the burden shifts on the respondent No.2 to say that the petitioners are not the legal heir of the deceased. Though, respondent No.2 asserted in written statement. But not led its evidence, on this aspect, he has not produced any documentary evidence in



support of his defense. In this connection, it is useful to refer the judgment of **Hon'ble Apex Court in the case of National Insurance Co. Ltd. v. Birender, (2020) 11 SCC 356**, where the Hon'ble Court observed the legal representatives of the deceased have a right to apply for compensation and even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the legal representative concerned was fully dependent on the deceased. Therefore, though the petitioner No.1 is mother, petitioner No.2 is father and petitioner No.3 is the minor brother of the deceased Santosh, even they are entitled for compensation and is to be considered as dependent.

28. Another defense of the respondent No.2 is that the rider of the offending motorcycle was not possessing valid and effective driving license at the time of accident. But, he has not produced any documents as to whether the rider of the



said motorcycle was not possessing the DL at the time of accident. But, the I.O. has filed charge sheet for the offences punishable under Section 279 and 304A IPC and Section 187 of IMV Act. If the rider was not possessing the DL at the time of accident, the I.O. ought to have quote the required provision. Therefore, having not produced any contra evidence, adverse inference has to be drawn against the respondent No.2. After considering all these facts and circumstances of the case, this Court comes to the conclusion that, the petitioner has proved that the accident took place due to rash and negligent riding of the rider of the offending motorcycle and in the said accident, Santosh S/o Ninganna Kelaginmani sustained injuries and died and petitioners are the legal heir of deceased. Hence, **I proceed to answer Issue No.1 and 2 in Affirmative, Issue No.3 & 4 in the Negative.**

29. **ISSUE NO.5:** The petitioners have stated that, at the time of accident the deceased was aged about 18 years, doing Coolie and earning Rs.21,000/- per month and contributing to them. But, absolutely no documents on this aspect is



produced. In the absence of the documents by the petitioners, I rely upon Ex.P.5 Post Mortem report, under which, age of the deceased is shown as 18 years. Therefore, age mentioned in Ex.P.5 is taken into consideration as on the date of the accident. Appropriate multiplier applicable as per Sarala Verma's case is '18'.

30. So far as the occupation and income of the deceased is concerned, the petitioners have stated that, the deceased was working as coolie and earning income of Rs.21,000/- p.m. But in support of their contention the petitioners have not adduced any acceptable and cogent evidence. Therefore the Tribunal has to fall back on the chart issued by the Hon'ble High Court of Karnataka, the accident of the year 2023 and as per chart of the Hon'ble High Court of Karnataka, the monthly notional income in the year 2022 was Rs.14,750/-. But further chart is not forth coming from State Legal Service Authority. By considering the chart every year Rs.500/- being enhanced. Therefore by adding Rs.500/- chart for the year 2022's notional income is Rs.15,250/-. Hence the



notional income of the deceased is considered at Rs.15,250/- per month.

31. Now the point remains for consideration is, whether an additional future prospects to be added or not? In these regard it is held by the Hon'ble Apex Court in the above said Pranay Sethi's case that, in case the deceased was a self employed or on a fixed salary, an additional of 40% of the established income should be considered where the deceased was below the age of 40 years and an addition of 25% where the deceased was below the age of 40 to 50 years and 10% where the deceased was below the age of 50 to 60 years should be regarded as necessary method of computation in respect of future prospects. The established income means the income of the deceased assessed by the Tribunal. As already discussed above the petitioner is only dependent and hence, as per Sarala Verma's case, deduction towards personal expenses of the deceased to be made 1/3rd from the total income of the deceased. Hence, loss of dependency is calculated as under:-



Per month income of the deceased Rs.15,250/-

Future prospects is 40% of the said income i.e.,Rs.6100/-

Income of the deceased per month Rs.21,350,-
(Rs.15,250/- + Rs.6,100/-)

Annual income of the deceased : Rs.2,56,200,-
(Rs 21,350/- X 12)

Deduction of personal expenses : 1/3

Appropriate multiplier : 18

Rs.2,56,200/- X 1/3th : = Rs.85,400/-

Rs.1,70,800/- X 18 : = Rs.30,74,400/-

Hence, the petitioners are entitled for a sum of
Rs.30,74,400/- towards loss of dependency.

32. The petitioners have stated that, they have spent Rs.25,000/- for performed the funeral ceremony of the deceased. As it is settled law as per the decision of Hon'ble Apex Court in **2017 ACJ 2700 (2017 SCC online 1270)**, loss of funeral expenses is fixed as Rs.15,000/- and hence, the same is to be applied in this case. Hence,



the Tribunal is of the opinion that, **towards funeral expenses of Rs.15,000/-.**

33. The Hon'ble Apex Court in the case of **Civil Appeal No.9581/2018 (Magma General Insurance Co.Ltd., Vs.Nanu Ram @ Chuhru Ram & others)** held that the right to consortium would includes the company, care, help comfort, guidance, solace and affection of the deceased, which is a loss to his family. In view of the judgment of Hon'ble Apex Court in the above said Pranay Sethi's case, the compensation to be awarded under this head is fixed of Rs.40,000/-. Further in view of the Para-61 of judgment & Pranay Shethi's case there should be enhancement of 10% under this head and hence, the petitioners are entitled for `44,000/- each. Hence, the petitioners are entitled for **`44,000/- each towards 'loss of consortium'**. Thus, the calculation on table stands as follows:



34. Thus the calculation on table stands as follows:

1.	Loss of dependency	Rs.30,74,400/-
2.	Funeral Expenses and transportation charges	Rs.15,000/-
3.	Loss of Consortium of petitioner No.1	Rs.44,000/-
4.	Loss of Consortium of petitioner No.2	Rs.44,000/-
5.	Loss of Consortium of petitioner No.3	Rs.44,000/-
	Total	Rs.32,21,400/-

35. So, in view of the discussion made above, this tribunal is of the opinion that, the petitioners are entitled for a total compensation of Rs.32,21,400/- along with interest @ 6% pa from the date of filing of the petition till realization. The respondent No.2 has contended that the respondent No.1 being the owner of offending vehicle has violated the terms and conditions of insurance policy. In order to substantiate the same, the respondent No.2 has not led any evidence. In this case, the respondent No. 1 is the owner and respondent No.2 is the insurer of offending vehicle. On perusal of entire case file, the Xerox copy of



insurance policy is available on record, which goes to show that the motorcycle bearing No.KA-32 EL-2070 was duly insured. In view of the same respondent No.1 and 2 being owner and insurer of the offending vehicles are jointly and severally liable to pay compensation. In view of existence of policy of insurance at the time of accident, it is respondent No.2 who shall pay the compensation with interest @ 6% per annum. **Accordingly I answer the issue No.5 in the partly Affirmative.**

36. **Issue No.6** : In view of the above discussion on Issue No.1 to 5, I proceed to pass the following:-

::ORDER::

The petition filed by the petitioners under section 166 of Motor Vehicles Act is hereby partly allowed with cost of Rs.1,000/-.

The petitioners are entitled to get compensation of **Rs.32,21,400/- (Rupees Thirty Two Lakh Twenty One Thousand Four hundred only)** with interest at 6% p.a., from the date of petition till its realization.

The respondents No.1 and 2 are jointly and



severally liable to pay the compensation.

The respondents are directed to deposit the compensation amount within a period of three months from the date of award.

In which, the petitioner No.1 being the mother of the deceased is entitled for 60%; petitioner No.2 is being the father of deceased entitled for 20%; Petitioner No.3 being the minor brother of deceased is entitled for 20% in the award amount respectively.

Out of the above amount the petitioner No.1 and 2 shall deposit 50% of the award amount in any nationalized/scheduled bank for a period of 3 years and remaining 50% shall be paid to the petitioners on their due verification.

Petitioner No.3 being the minor. Therefore, entire award amount of petitioner No.3 shall be deposited in any nationalized/scheduled bank till he attained his age of majority.

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

Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed by him and corrected signed by me and then judgment pronounced in the open court on this the 16th of March -2025).

(Smt.Tayyaba Sultana)
Senior Civil Judge & Member
M.A.C.T.XV, Jewargi.

**::ANNEXURE::****List of witnesses examined on behalf of the petitioners.**

PW.1	:	Ninganna S/o Sharnappa Kelaginmani.
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List of exhibits marked on behalf of the petitioners

Ex.P1	:	Certified copy of complaint.
Ex.P2	:	Certified copy of FIR.
Ex.P3	:	Certified copy of Spot panchanama.
Ex.P4	:	Certified copy of Inquest panchanama.
Ex.P5	:	Certified copy of P.M. report.
Ex.P6	:	Certified copy of I.M.V report.
Ex.P7	:	Certified copy of Charge Sheet.

List of witnesses examined on behalf of the respondents:

-Nil-

List of exhibits marked on behalf of the respondents:

-Nil-

(Smt.Tayyaba Sultana)
Senior Civil Judge & Member
M.A.C.T.XV, Jewargi.