

KAKB610021032024

MVC No.1431/2024



Presented on : 12-09-2024
Registered on : 24-10-2024
Decided on : 07-03-2026
Duration:1 years, 4 months, 14 days.

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

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

Dated this the 7th day of March-2026.

MVC.No.1431/2024

PETITIONERS :-

1. Smt. Vijayalaxmi W/o Srimanth Talawar,
Age: 45 years, Occ: Household,
2. Sri Srimanth S/o Devappa Talawar,
Age: 50 years, Occ: Nil,

Both are residents of Shakapur (SA),
Taluk Jewargi, District Kalaburagi.

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

- VIS -

RESPONDENT :-

The Divisional Controller,
KKRTC Department,
Sarige Bhavan, Opp KBN Hospital,
Market Road, Kalaburagi.

(By Sri J. B. H., 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 compensation of Rs.42,66,800/- on account of death of Tanuj S/o Srimanth Talwar, in the Motor Vehicle Accident.
2. **The brief facts of the petition are as follows:-**

The petitioner No.1 is the mother and petitioner No.2 is the father of the deceased Tanuj in relation and the petitioners are the only dependent of the Tanuj. On 29-07-2024, the deceased Tanuj and his friends Abhishek and Yashpal were proceeding to Jewargi on a motorcycle bearing Registration No.KA-32/HA-4212, the deceased Tanuj was a first pillion rider over the said motorcycle, the said Abhishek was riding the said motorcycle in slowly and cautiously at about 6.00 am, when they were near Nandikur cross petrol pump at that time on KSRTC bus bearing Registration No.KA-35/F-0197 came in the opposite direction driven by its driver by over taking another vehicle, in a rash and negligent manner, endangering to the road users and ashed to the said motorcycle as a result of the heavy impact the deceased Tanuj has sustained grievous injuries over the



head, multiple injuries over the body and other vital parts of the body and succumbed to the injuries on the spot and said Abhishek also sustained injuries and died on the spot and Yashpal sustained injuries. The motorcycle completely burned in the said accident.

3. It is further case of the petitioners, before the accident, the deceased private worker was hale and healthy, aged about 19 years, a student and earning Rs.18,000/- per month by doing part-time private work at a diagnostic center, due to the untimely death of the deceased Tanuj the petitioner Nos.1 and 2 have lost their son in the old age and petitioner lost their bread earner and who is the person is looking them and now the life of the petitioners became miserable if the deceased Tanuj survived he may earn more than in future, what was he earning before his accidental death and spent his entire income towards the welfare of his family. The monthly income of the deceased Tanuj is Rs.18,000/- per month, adding 40% as the future prospectus and it will be Rs.25,200/- monthly income $Rs.25,200 \times 12 \times \frac{1}{3} = 36,28,800/-$. The claimants are entitled to the compensation of Rs.36,28,800/- under the head of loss of dependency. The said accident occurred due to rash and negligent



driving of a KSRTC Bus vehicle bearing Registration No.KA-35/f-0197 by its driver.

4. It is further case of the petitioners that, the petitioners are permanent residents of village Shakhapur (SA) of Jewargi Taluk, therefore this Court has jurisdiction to adjudicate the matter in accordance with the law. The respondent corporation is the owner of the KSRTC bus bearing Registration No.35/F-0197 and the same is internally insured with the respondent corporation, its policy was in force on the date of said accident, the risk of the third party is covered under the policy therefore, the respondent corporation is liable to pay the compensation to the petitioners for the act done by the driver of said KSRTC bus bearing Registration No.KA-35/F-0197, as claimed by the claimant under following heads. Hence petitioners prayed for allow the petition.

1.	Loss of dependency	Rs.36,28,800=00.
2.	Loss of parental consortium	Rs.88,000=00.
3.	Loss of love and affection	Rs.3,00,000=00.
4.	Funeral expenses and transportation charges	Rs.25,000=00.
5.	Loss of estate	Rs.15,000=00.
6.	Mental shock and agony	Rs.2,00,000=00.
7.	Litigation expenses	Rs.10,000=00.



		Rs.42,66,800=00.
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5. On issuance of notice to the respondent, the respondent appeared through its counsel and filed objection statement to the main petition.

6. **The objection statement filed by the respondent as is follows:**

The age, occupation and income of the injured/deceased stated in the column No.3, 4 and 6 of the claim petition are all denied as false and baseless and the claimants be put to strict proof to the same. The statements made in column No.8 and 9 of the claim petition are denied as for want of knowledge. The statements made in column No.11, 12 and 22 by the claimants are false and baseless. It is denied that the petitioner No.1 is the mother and petitioner No.2 is the father of the deceased Tanuj in relation and the claimants are the only dependent of the Tanuj. It is submitted that the accident took place due to the rash and negligent driving of the motor cycle bearing No.KA-32/HA-4212 by its driver. The petitioners have failed to implead the owner and insurer of the Motor Cycle bearing No.KA-32/HA-4212 which was involved in the accident related to this case, as such the claim is liable to be dismissed for non-joinder of proper and necessary parties. That, the injured/deceased was not holding



valid proper and necessary parties. That, the deceased was not holding valid license at the time of accident and the petitioners are put to strict proof of the same. There is no fault on the part of the bus driver, hence claimants are making a false case to claim the compensation and respondent is not liable to for payment fo any compensation as claimed by the petitioners. If the additional information is available to this respondent then the respondent be permitted to file additional counter in changed circumstances. All the contents of the claim petition which are against the letter and spirit of this counter and which are not specifically denied are hereby denied categorically. Hence, prayed for dismissal of the petition.

7. 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 Tanuj S/o Srimant Talwar?
2. Whether the petitioners prove that on 29-07-2024 at about 06.00 p.m., on Kalaburagi-Jewargi road, near Nandikur Petrol Pump, within the jurisdiction of Traffic-I Police Station, Kalaburagi in view of negligent use of KKRTC bus vehicle bearing registration No.KA-35 F-0197 by its driver



an accident took place resulting death of Tanuj S/o Srimant Talwar?

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

4. What order or award?

8. In order to prove the above issues, the petitioner No.1 examined herself as P.W.1 and got marked 7 documents as per Ex.P.1 to Ex.P.7. On the other hand, the driver of Bus bearing registration No.KA-35/F-0197 got examined as R.W.1 and produced 2 documents, which are marked at Ex.R.1 and Ex.R.2.

9. Heard both sides.

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

Issue No.1	:	In Affirmative
Issue No.2	:	In Affirmative
Issue No.3	:	In Partly Affirmative
Issue No.4	:	As per final order, for the following:

:: R E A S O N S ::

11. **ISSUE No.1 to 3:-** These issues are interconnected with each other and as such they are taken for discussion together.



12. According to the petitioners, the petitioner No.1 is the mother and petitioner No.2 is the father of the deceased Tanuj in relation and the claimants are the only dependent of the Tanuj. On 29-07-2024, the deceased Tanuj and his friends Abhishek and Yashpal were proceeding to Jewargi on a motorcycle bearing Registration No.KA-32/HA-4212, the deceased Tanuj was a first pillion rider over the said motorcycle, the said Abhishek was riding the said motorcycle in slowly and cautiously at about 6.00 am, when they were near Nandikur cross petrol pump at that time on KKRTS bus bearing Registration No.KA-35/F-0197 came in the opposite direction driven by its driver by over taking another vehicle, in a rash and negligent manner, endangering to the road users and ashed to the said motorcycle as a result of the heavy impact the deceased Tanuj has sustained grievous injuries over the head, multiple injuries over the body and other vital parts of the body and succumbed to the injuries on the spot and said Abhishek also sustained injuries and died on the spot and Yashpal sustained injuries. The motorcycle completely burned in the said accident.



13. It is further case of the petitioners, before the accident, the deceased private worker was hale and healthy, aged about 19 years, a student and earning Rs.18,000/- per month by doing part-time private work at a diagnostic center, due to the untimely death of the deceased Tanuj the petitioner Nos.1 and 2 have lost their son in the old age and petitioner lost their bread earner and who is the person is looking them and now the life of the petitioners became miserable if the deceased Tanuj survived he may earn more than in future, what was he earning before his accidental death and spent his entire income towards the welfare of his family. The monthly income of the deceased Tanuj is Rs.18,000/- per month, adding 40% as the future prospectus and it will be Rs.25,200/- monthly income $Rs.25,200 \times 12 \times \frac{1}{3} = 36,28,800/-$. The claimants are entitled to the compensation of Rs.36,28,800/- under the head of loss of dependency. The said accident occurred due to rash and negligent driving of a KSRTC Bus vehicle bearing Registration No.KA-35/F-0197 by its driver.
14. It is further case of the petitioners that, the petitioners are permanent



residents of village Shankapur (SA) of Jewargi Taluk, therefore this Court has jurisdiction to adjudicate the matter in accordance with the law. The respondent corporation is the owner of the KSRTC bus bearing Registration No.35/F-0197 and the same is internally insured with the respondent corporation, its policy was in force on the date of said accident, the risk of the third party is covered under the policy therefore, the respondent corporation is liable to pay the compensation to the petitioners for the act done by the driver of said KSRTC bus bearing Registration No.KA-35/F-0197.

15. In order to prove the above issues, the petitioner No.1 got examined herself as PW.1 and got marked 7 documents as per Ex.P.1 to P.7. Among them Ex.P.1 is the certified copy of FIR. Ex.P.2 is the certified copy of complaint. Ex.P.3 is the certified copy of Charge Sheet. Ex.P.4 is the Inquest panchanama. Ex.P.5 is the certified copy of the spot panchanama. Ex.P.6 is certified copy of certified copy of Motor vehicles accident report. Ex.P.7 is certified copy of Postmortem report.
16. On the other hand, the respondent has taken the contention that



the accident took place due to the rash and negligent driving of the motor cycle bearing No.KA-32/HA-4212 by its driver. The petitioners have failed to implead the owner and insurer of the Motor Cycle bearing No.KA-32/HA-4212 which was involved in the accident related to this case, as such the claim is liable to be dismissed for non-joinder of proper and necessary parties. That, the injured/deceased was not holding valid proper and necessary parties. That, the deceased was not holding valid license at the time of accident and the petitioners are put to strict proof of the same. There is no fault on the part of the bus driver.

17. In order to disprove the case of the petitioners, the respondent got examined its driver as RW.1 and got marked the 02 documents as per Ex.R.1 and Ex.R.2. They are the copies of Authorization letter and Payment receipt of Interim compensation.
18. In so far documentary evidence is concerned, I have perused the same. Ex.P.1 FIR which is registered by Kalaburagi Traffic-I Police Station under Crime No.68/2024 for the offences punishable under Section 281, 125(B) and 106 of B.N.S., against Jyotirling driver of



KKRTC bus No. KA.35/F0197 the driver of the bus based on the complaint at Ex.P-2 lodged by one Devappa S/o Srimanth Talwar on 29-07-2024. Ex.P-3 is charge sheet filed against the driver of the offending Bus for the aforementioned offences. Ex.P-5 is the spot panchanama produced along with photos of GPS Map camera and on perusal of the same, it appears that police conducted panchanama and taking photos on GPS map camera which is not in dispute. Ex.P-6 is the MVI report reveals that KA:35F:0197 vehicle front bumper, radiator grill and number plate damaged and KA:32HA:4212 vehicle completely burnt out. Ex.P-7 is the Post Mortem report which conducted on 29-07-2024. 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 driving by the driver of bus bearing No.KA-35/F-0197 and consequently, Tanuj died in the said accident which is evident from Ex.P.4.

19. The respondent has taken the specific plea that, the accident took place due to the rash and negligent driving of the motor cycle bearing No.KA-32/HA-4212 by its driver. But the documents of the



petitioners, which are FIR, complaint, charge-sheet, postmortem report, IMV report, inquest and as Ex.P1 to P7 clearly discloses that, the accident took place due to rash and negligent manner of the driver of the offending vehicle. Ex.P4 and P7 postmortem report and inquest, shows that, the death was caused due to the injuries sustained by him in the accident. The evidence of PW1 corroborated with the documentary evidence produced by the petitioners.

20. In so far as relationship/dependency of the petitioners on the income of the deceased Tanuj is concerned, the burden shifts on the respondent to say that the petitioners are not the legal heir of the deceased. Though, respondent asserted in written statement and led evidence of RW.1, 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 the mother and petitioner No.2 is father of the deceased Tanuj, even they are entitled for compensation and is to be considered as dependent.

21. After considering all these facts and circumstances of the cases, this court come to the conclusion that, the petitioners have proved that in the above said accident, due to rash and negligent driving of the driver of the offending vehicle, the wife of petitioner No.1 and mother of the minor petitioner No.2 and 3 sustained injuries and died. Hence, I proceed to answer **Issue No.1 and 2 in Affirmative.**

22. **ISSUE NO.3:** As already discussed under Issues No.1 and 2, the deceased Tanuj S/o Srimanth Talwar died in the accident. The petitioners have stated that, at the time of accident the deceased was aged about 19 years and he was student and doing part time private work at a diagnostic center, getting `18,000/- p.m. and he



was bread earning person. The petitioners have not produced any documents in respect of the age of the deceased as on the date of accident. Hence, the public documents reflecting the age of the deceased and as such Tribunal has relied upon the age of the deceased as per PM report(Ex.P7), under which the age of the deceased is shown as '16' years. Therefore, the Tribunal has considered the age of the deceased as 16 years as on the date of the accident. Appropriate multiplier applicable as per Sarala Verma's case is '18'.

23. So far as the occupation and income of the deceased is concerned, the petitioners have stated that, the deceased was earning Rs.18,000/- per month income from private work. 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 2024 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.15,750/-. Hence the notional income of the deceased is considered at Rs.15,750/- per month.

24. 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 petitioners are dependents and hence, as per Sarala Verma's case, deduction towards personal expenses of the deceased to be made 1/2 from the total income of the deceased. Hence, loss of dependency is calculated as under:-



Per month income of the deceased Rs.15,750/-

Future prospects is 40% of the said income i.e.,Rs.6,300/-

Income of the deceased per month Rs.22,050,-

(Rs.15,750/- + Rs.6,300/-)

Annual income of the deceased : Rs.2,64,600,-

(Rs 22,050/- X 12)

Deduction of personal expenses : 1/2

Appropriate multiplier : 18

Rs.2,64,600/- X 1/2 : = Rs.1,32,300/-

Rs.1,32,300/- X 18 : = Rs.23,81,400/-

Hence, the petitioners are entitled for a sum of

Rs.23,81,400/- towards loss of dependency.

25. 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/-.**



26. 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:

Sl. No.	Heads	Compensation in (₹)
1.	Loss of dependency	Rs.23,81,400/-
2	Funeral Expenses and transportation charges	15,000/-
3.	Loss of Consortium of petitioner No.1	44,000/-
4.	Loss of Consortium of petitioner No.1	44,000/-
	Total	24,84,400/-



27. 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.24,84,400/-** along with interest @ **6% p.a.** from the date of filing of the petition till realization. On perusal of Ex.R.2 its show that the respondent has already paid interim compensation amount of Rs.25,000/- to petitioners. Hence the respondent is liable to pay compensation to the petitioners i.e. after deduction of Rs.25,000/-, the petitioners are entitle for Rs.24,59,400/- with interest at the rate of 6% per annum. Accordingly, I answer point No.3 in '**Partly Affirmative**'.

28. **Issue No.4** : In view of the above discussion on Issue No.1 to 3 , 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.24,59,400/- (Rupees Twenty Four Lakh Fifty Nine Thousand Four hundred only)** with interest at 6% p.a., from the



date of petition till its realization.

The respondent is 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 70%; petitioner No.2 being the father of deceased are entitled for 30% in the award amount respectively.

Out of the above amount the petitioners 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.

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 7th day of March-2026).

(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	:	Smt Vijayalaxmi W/o Srimanth Talawar.
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List of exhibits marked on behalf of the petitioners

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

List of witnesses examined on behalf of the respondent:

RW.1	:	Jyotirlinga S/o Sharanappa.
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List of exhibits marked on behalf of the respondent:

Ex.R.1	:	Copy of Authorization letter.
Ex.R.2	:	Certified copy of payment receipt of Interim compensation.

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