

KABC020000062024



**BEFORE THE MOTOR VEHICLES ACCIDENT CLAIMS TRIBUNAL,
BANGALORE CITY.**

SCCH-14

Dated : This the 31st day of January, 2026

Present : Smt. N.Anupama,
B.A.L, LL.B.,
MEMBER, MACT,
XVI ADDL. JUDGE,
COURT OF SMALL CAUSES,
BENGALURU.

MVC No.5/2024

Petitioners:

1.Muniraju,
S/o Muniswamy,
Aged about 47 years,

2.Laleetha
W/o Muniraju,
Aged about 43 years.

3.Gowthami.M.
D/o Muniraju,
Aged about 21 years,
All are r/at No.116,
Valagere, Kallahalli,

Sarjapura,
Bengaluru,
Karnataka – 562125.

(By Smt.Asha.A,Adv)

Vs.

Respondents :

1.Royal Sundaram Gen.
Ins.Co.Ltd.,
No.30, 3rd Floor,
JNR City Centre,
Raja Ram Mohan Roy Road,
Sampangiram Nagar,
Bengaluru – 560 027.

(By Sri.V.Shrihari Naidu,Adv)

2.Vikas Building Material
Supply, Prop.N.Jagadeesh,
7113/1,
Opp.The International School,
T.C.Halli, Dommasandra Post,
Varthur, Sarjapura Road,
Bengaluru,
Karnataka -562 125.

(Exparte)

: 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 seeking Compensation of Rs.50,00,000/- for the death of Pavan.M S/o Muniraju in the Road

Traffic Accident.

2. Brief averments of the Petition are as under:

That on 30.11.2023 at about 7.40 a.m., near Sarjapur Circle, Sarjapur Hobli, Anekal Taluk, Bengaluru District, while Pavan.M (deceased) was riding pillion along with his paternal Uncle – Pillappa in the Scooter bearing no.KA-53-HD-9134, the driver of a Tipper Lorry bearing no.KA-51-AG-8285 drove the same in a rash and negligent manner and dashed against the petitioner from behind. As a result, Pavan (deceased) fell-down, sustained grievous-injury and died on spot.

3. That prior to the date of accident, the deceased was hale and healthy. He was working in a private company, earning Rs.25,000/- per month.

4. That the sole cause of the accident is the rash and negligent driving of tipper lorry by its driver. Hence Respondent no.1 being the insurer and Respondent no.2-the owner of the Tipper lorry are jointly and severally liable to pay compensation to the petitioners. Thus it is prayed to allow the petition.

5. Respondent no.1-Insurance Company appeared through its counsel and filed its Objections to the Petition. Respondent No.2 remained absent and was placed exparte.

6. In the **Objection Statement, Respondent no.1-Insurance Company** has **denied** the age, avocation and income of the deceased. However, the issuance of Policy in respect of Motor-cycle bearing no.KA-51-AG-8285 is admitted. It is contended that the owner of the insured Tipper lorry has not intimated the alleged accident to respondent no.1 and has violated Section 134(c) and 158(6) of Motor Vehicles Act. That the driver of the tipper lorry was not holding a valid, effective driving license. On these grounds, it is prayed to dismiss the petition against it.

7. On the rival pleadings, the following Issues have been framed:

ISSUES

- 1. Whether the Petitioners prove that they are the legal-representatives of the deceased?**

2. Whether the Petitioners prove that Pavan.M died due to injuries sustained by him in the accident which occurred on 30-11-2023 at about 7.40 a.m. near Sarjapura circle, Sarjapura hobli, Anekal Taluk, Bengaluru district, due to the rash and negligent driving of the driver of Tipper lorry bearing reg. No.KA-51-AG-8285?

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

4. What Order or Award?

8. On behalf of petitioners, petitioner no.3 has got herself as P.W.1 and has got marked Exs.P.1 to 16; a witness has been examined as PW.2 and Exs.P.17 to 21 have been marked. **On the other hand,** Respondent no.1 has not adduced any evidence.

9. Perused the materials on record. Heard both-sides.

10. My answer to the Issues are as under :

Issue No.1 : In the Affirmative

Issue No.2 : In the Affirmative

Issue No.3 : Partly in the Affirmative.

**Issue No.4 : As per the Final Order,
for the following :**

REASONS

11. Issue No.2: *This issue is taken-up first since it has a bearing on other issues.*

As per the petition, one Pavan.M who is the son of petitioner no.1, 2 and brother of petitioner no.3 has died in the Road Traffic Accident caused by the driver of the offending Tipper Lorry bearing no.KA-51-AG-8285. **On the other hand,** the **Respondents** have denied the rashness and negligence on the part of the driver of the Tipper Lorry bearing no.KA-51-AG-8285.

12. In support of the case of Petitioners, Petitioner no.3 has been examined as P.W.1 and Exs.P.1 to 16 have been marked. Exs.P.1 to Ex.P.7 are the true-copy of FIR & Complaint, PM Report, Inquest, Spot Mahazar, IMV Report, Spot sketch and Charge sheet.

13. The FIR & Complaint at **Ex.P.1** shows that the case has been registered against the driver of the offending Tipper Lorry

bearing no.KA-51-AG-8285 for the offence punishable under Section 279, 337 of IPC. **Ex.P.2** is the P.M. Report which shows the cause of death as “*Acute blood loss with Polytrauma, blunt force Trauma to the body*”. **Ex.P.3** is the Inquest. **Ex.P.4** is the Spot Mahazar which describes the accident spot. A perusal of Spot Sketch at **Ex.P.6** shows that, the road at the accident spot is 40 feet in width, and the accident has taken-place at a distance of 14 feet from the edge of the road on the left-side. The Scooter proceeding almost near the edge of the road on left-side, has been dashed against the Scooter from behind while trying to overtake it. This is corroborated by the IMV report at **Ex.P.5** which shows the Rear body-portion of the Scooter to have been damaged. This is also the reason for the death of petitioner who was riding pillion in the said scooter. Thus the Spot Sketch at Ex.P.6 and the IMV Report at Ex.P.5 prove that the driver of the Tipper Lorry has been rash & negligent.

14. After thorough investigation, the I.O. has filed **Charge-sheet at Ex.P.7** against the driver of the offending Lorry for the offences punishable under Section 279, 338 & 304A of IPC, and the

same remains unchallenged. **Whereas,** respondent no.1 has although denied the negligence on the part of the driver of the offending Tipper Lorry, its driver has not been examined to prove the same.

15. In view of the discussion made supra, this Tribunal is of the considered opinion that the accident which has led to the death of Pavan.M is due to the rash & negligence driving by the driver of the offending Tipper lorry. Accordingly, I answer Issue No.2 is in the **“Affirmative”**.

16. Issue No.1 and 3: *Since these issues are interlinked, they are taken-up together for discussion to avoid repetition of facts.*

As per the petition, petitioner no.1 and 2 are parents and petitioner no.3 is the sister of deceased Pavan.M. In order to prove this fact, PW.1 has produced **Exs.P.9 & 10, 14 to 16** - Aadhar cards of petitioner no.1 to 3 and deceased Pavan, as well as the Ration card. Thus Exs.P.9 & 10, 14 to 16 prove the relationship of petitioners with that of deceased Pavan.M. Moreover, there is no

dispute regarding the relationship. Petitioner no.1 to 3 ar Pavan.

17. As per the petition, the deceased was aged about 18 **years** as on the date of accident. In the **Aadhar Card** at **Ex.P.10**, his date of birth is shown as 10.08.2005. The accident has taken place on 30.11.2023. Thus the age of Pavan.M as on the date of accident is taken as **18** years.

18. Next, as per the petition, the deceased was working in Silicon Byte Technologies and was earning Rs.18,000/- per month. In this regard, the petitioners have produced **Exs.P.11** - notarized-copy of Skill Development Course Certificate in '*Refrigeration & Air Conditioning*'. To prove the occupation and income of deceased, the petitioners have examined the Employer of deceased as PW.2 and has got marked Appointment letter and Salary slips at Ex.P.17 to 21. As per the evidence of PW.1, deceased Pavan had done I.T.I, and as per Ex.P.11 - Skill Development Course Certificate, the petitioner has completed his course in '*Refrigeration & Air Conditioning*' in the year 2023. **But** as per the **alleged Appointment Letter at Ex.P.17**, Pavan has been appointed as a Junior Service Systems & Network

Engineer, and his job profile was to install, configure, maintaining network systems, troubleshooting hardware and network issues, and providing technical support to clients. Thus, there is no nexus between the skill acquired and the alleged job. **Further, PW.2** has deposed as under in his cross-examination :

ನಮ್ಮ ಸಂಸ್ಥೆಯು ನೊಂದಣಿ ಆಗಿರುತ್ತದೆ. ನಮ್ಮ ಸಂಸ್ಥೆಗೆ ಆಡಿಟರ್ ಇದ್ದು, ಅವರ ಹೆಸರು ಶ್ರೀ.ಕೃಷ್ಣಮೂರ್ತಿ.ಹೆಚ್. ಎಸ್, ಗಿರಿನಗರ, ಬೆಂಗಳೂರು. ಸದರಿ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಐಟಿ ರಿಟರ್ನ್ಸ್ ಅನ್ನು ಸಲ್ಲಿಸುವ ಕಾಲಕ್ಕೆ ನಾನು ನಮ್ಮ ಆಡಿಟರ್ ಗೆ ಸ್ಕಾಲರಿ ವೋಚರ್, ಬ್ಯಾಂಕ್ ಸ್ಟೇಟ್ ಮೆಂಟ್ ಹಾಗೂ ಇತರೆ ಖರ್ಚಿನ ದಾಖಲೆಗಳನ್ನು ಕೊಡುತ್ತೇನೆ. ನಾನು ನಮ್ಮ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಳವನ್ನು ನಗದು ರೂಪದಲ್ಲಿ ಕೊಡುತ್ತಿದ್ದೇನೆ.

2. ನಿ.ಪಿ.18 ರಲ್ಲಿ, ನೆಟ್ ಸ್ಕಾಲರಿ ಯನ್ನು ರೂ.**18,000/-** ಗಳು ಎಂದು ಕಾಣಿಸಲಾಗಿದ್ದು, ನೆಟ್ ಸ್ಕಾಲರಿಯನ್ನು ರೂ.**7,547/-** ಎಂದು ಕಾಣಿಸಲಾಗಿದೆ ಎಂದರೆ ಸರಿ. **ನಿ.ಪಿ.18** ರಿಂದ **ನಿ.ಪಿ.21** ರ ದಾಖಲೆಗಳನ್ನು ನಾನೇ ತಯಾರಿಸಿರುತ್ತೇನೆ. **ನಿ.ಪಿ.17** ರಿಂದ **ನಿ.ಪಿ.21** ರ ದಾಖಲೆಗಳನ್ನು ಕೇಸಿಗೆ ಪುರಕವಾಗುವಂತೆ ಸೃಷ್ಟಿಸಿಕೊಂಡು ಹಾಜರುಪಡಿಸಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ.

The above evidence of PW.2 does not inspire confidence, and the documents at Exs.P.17 to 21 cannot be believed. In the absence of any reliable documentary evidence in support of petitioner's

income, it is proper to take his notional-income as **Rs.16,000/-** as per the guidelines issued by the Karnataka State Legal Services Authority, since the said accident has been occurred in the year **2023**.

19. As discussed above, the deceased has left behind his parents and sister as dependents. As per the decision reported in **AIR 2017 S.C. 5157 - National Insurance Company Limited Vs. Pranay Sethi and Others:** The Hon'ble Apex Court has observed that : *"Loss of estate has to be compensated by awarding Rs.15,000/-, loss of consortium should be Rs.40,000/- and funeral expenses should be Rs.15,000/-. The said amount has to be enhanced @ 10% in every three years"*. Petitioner no.1 and 2 who are the parents of deceased have lost their son and have to lead their life in his absence. Therefore, petitioner no.1 & 2 are entitled to a sum of **Rs.96,000/-** (Rs.48,000/- each) under the Head **Loss of Consortium, Rs.18,000/-** is awarded towards **Loss of Estate** and **Rs.18,000/-** towards **Funeral Expenses**.

20. Next, it is pertinent to note that as per the detailed

discussion made supra, the income of the deceased is taken as Rs.16,000/- p.m. In the decision reported in **AIR 2017 S.C. 5157 - National Insurance Company Limited Vs. Pranay Sethi and Others:** The Hon'ble Apex Court has observed that: *"In case of persons who is below 40 years and are self- employed **or** have fixed salary, there should be an addition of 40% to the income, towards future prospects"*. In this Petition, the deceased was of 18 years on the date of accident. Hence towards future prospects, 40% of the income has to be added. So, 40% of Rs.16000/- comes to Rs.6400/-. Therefore, the income of deceased comes to Rs.22400/- p.m. (Rs.16,000 + Rs.6,400).

21. Further, as per the principles laid down in decision reported in **(2009) 6 SCC 121 - Sarla Verma and Others Vs. Delhi Transport Corporation and another:** the multiplier applicable is **'18'**. In Sarla Verma's case, the Hon'ble Apex Court has held that *"**where deceased is bachelor**, 50% of the income of the deceased may be deducted towards his personal and living expenses. In the case on hand, deceased is bachelor. Hence 50% of the income of the*

deceased may be deducted towards his personal and living expenses. Accordingly, after deducting 50% of the amount towards his personal expenses in Rs.22400/- it comes to Rs.11200/- p.m (22,400 – 11,200) and multiplier applied is 18 which comes to Rs.11,200/- (Rs.11,200 x 12 x 18 = Rs.32,25,744/-) Thus, the Petitioners are entitled for compensation of ***Rs.32,25,744/- towards loss of dependency.***

22. Considering the above aspects, petitioners are entitled for total compensation as under :

1.	Loss of Dependency	Rs.32,25,744/-
2.	Loss of Consortium	Rs.96,000/-
3.	Loss of Estate	Rs.18,000/-
4.	Funeral Expenses	Rs.18,000/-
	Total	Rs.33,57,744/-

Thus, Petitioners are awarded the total compensation of **Rs.33,58,000/-** with costs and simple interest at 6% p.a. from the

date of the Petition till the date of realization.

23. Regarding Liability : As already discussed above, the petitioners have proved that the accident has occurred due to rash and negligence driving of the driver of Tipper lorry bearing no. KA-51-AG-8285. Further, there is no dispute about the validity of the Insurance Policy of the offending vehicle. Therefore, Respondent no.1 and 2 are jointly and severally liable to pay compensation to the petitioners. However, respondent no.1 being the insurer has to indemnify the insured, and it has to deposit the compensation amount with interest. Accordingly, I answer Issue No.1 in the '**Affirmative**', and Issue no.3 '**Partly in the Affirmative**'.

24. Issue No.4 : From the above discussion, I am of the opinion that Petitioners are entitled for compensation of **Rs.33,58,000/-** along with interest at the rate of 6% p.a. from the date of the Petition. In the result, I proceed to pass the following :

ORDER

*The Petition under Section 166 of M.V. Act is allowed
in part with costs.*

A sum of **Rs.33,58,000/-** is awarded as total compensation to the petitioners with interest at the rate of 6% p.a. from the date of petition till its payment.

Respondent no.1 **and** 2 are jointly and severally liable to pay the compensation amount to the Petitioner.

Respondent no.1 being the insurer of the offending vehicle, is directed to deposit the Award amount and interest within 60 days from the date of the Award.

Petitioner no.1 is entitled to **40%** in the total compensation awarded. Out of which 50% of the award amount is ordered to be released to Petitioner no.1 by way of E-Payment after proper identification, and the remaining 50% shall be kept in Fixed deposit in the name of Petitioner no.1 in any Nationalized or Scheduled Bank of his choice for a period of 3 years.

Petitioner no.2 is entitled to **40%** of the total compensation awarded. Out of which 50% of the award amount is ordered to be released to Petitioner no.1 by way of E-Payment after proper identification, and the remaining 50% shall be kept in Fixed deposit in the name of Petitioner

no.2 in any Nationalized or Scheduled Bank of her choice for a period of 3 years.

***Petitioner no.3** is entitled to **20%** of the total compensation awarded. Out of which 50% of the award amount is ordered to be released to Petitioner no.1 by way of E-Payment after proper identification, and the remaining 50% shall be kept in Fixed deposit in the name of Petitioner no.4 in any Nationalized or Scheduled Bank of her choice for a period of 3 years.*

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

Office to draw the award accordingly.

(Dictated to the stenographer, typed and computerized by her, corrected, signed and then pronounced by me in the open Court on this **31st day of January, 2026**)

(N.ANUPAMA)
MEMBER, MACT,
XVI ADDL. JUDGE,
COURT OF SMALL CAUSES,
BENGALURU.

Annexure

Witnesses examined on behalf of the Petitioners :

P.W.1 : Gowthami.M

PW.2 : Shankar Anand

Documents marked as Exhibits for the Petitioners :

Ex.P1	True copy of FIR & Complaint
Ex.P2	True copy of PM Report
Ex.P3	True copy of Inquest report
Ex.P4	True copy of Spot Mahazar
Ex.P5	True copy of IMV Report
Ex.P6	True copy of Spot sketch
Ex.P7	True copy of Charge sheet
Ex.P8	Notarised copy of death certificate
Ex.P9	Notarised copy of Aadhar card
Ex.P10	Notarised copy of Aadhar card
Ex.P11	Notarised copy of Transfer certificate
Ex.P12	Original Appointment letter
Ex.P13	Salary slip for the month of August 2023
Ex.P14	Notarised copy of Aadhar card
Ex.P15	Notarised copy of Aadhar card
Ex.P16	Notarised copy of Ration card
Ex.P17	Appointment letter`
Ex.P18 to 21	Salary slips (4 in nos.)

Witness examined on behalf of the Respondents :

- NIL -

Documents marked as Exhibits for the Respondents :

- NIL -

(N.ANUPAMA)
MEMBER, MACT,
XVI ADDL. JUDGE,
COURT OF SMALL CAUSES,
BENGALURU.