

KAMD500006902017



Presented on : 21-07-2017

Registered on : 21-07-2017

Decided on : 23-04-2026

Duration : 8 years, 09 months, 02 days

IN THE COURT OF THE 1st ADDL. SENIOR CIVIL JUDGE &
M.A.C.T. AT NAGAMANGALA

DATED THIS THE 25th DAY OF APRIL, 2026

PRESENT

SRI.NARASIMHA MURTHY M.

B.A.LLM., UGC – NET, JRF,

1st ADDL. SENIOR JUDGE & M.A.C.T., NAGAMANGALA

M.V.C. No.991/2017 & 992/2017

- PETITIONERS : 1. Geddu S/o Late Notapura
in MVC 991/2017 Aged about 30 years,
 2. Ramakrishna
 S/o Late Notapura,
 Aged about 28 years,
 3. Deleted.
 4. Chika D/o Late Notapura,
 Aged about 26 years.
 5. Deleted.

All are R/at Shikaripura village,
Nagamangala Taluk,
Mandya District.

6. Venkatesha
S/o Late Notapura,
Aged about 55 years,
R/o Shikaripura village,

Kasaba Hobli,
Nagamangala Taluk,
Mandya District.

Now R/at Shankarapura village,
Doddahejjuru post,
Hanagodu hobli,
Hunasuru Taluk,
Mysore District.

PETITIONER :
in MVC 992/2017

1. Madhu S/o Late Notapura,
Aged about 36 years,
2. Busa D/o Late Notapura and
W/o Gopiya,
Aged about 34 years.
3. Venkatesh S/o Late Notapura,
Aged about 32 years,
4. Geddu S/o Late Notapura,
Aged about 30 years,
5. Ramakrishna S/o Late Notapura,
Aged about 28 years,
6. Mulla S/o Late Notapura
Aged about 28 years,
7. Chikkamma D/o Late Notapura,
Aged about 26 years,
8. Yasanthi D/o Late Notapura,
Aged about 24 years.

All are R/at Shikaripura village,
Nagamangala Taluk,
Mandya District.

(By Sri. **M.V.Raju** Advocate)

Vs

RESPONDENTS: 1. Venkatesh S/o Ramakrishna,
Major, R/at 6th cross,
Old M.C. Road, Shankar Nagara,
Mandya.

(RC Owner of Crane bearing
No.KA-51-Z-3117)

2. Venkatachalam G.
No.13, 6th main, 3rd block,
Ayappanagara,
Bangalore-560036.

(Policy holder of Crane No.KA-51/Z-3117)

3. Reliance General Insurance Co., Ltd.,
Branch office: 1st floor,
Mysore Trade Center,
Opposite to KSRTC Bus stand,
Mysore. (policy issuing office,
46th main, BTM layout,
2nd stage, Bangalore).

(Policy No.1409542358000018
Valid from 05.01.2014 to 04.01.2015)

(R1 rep. By Sri.M.S.Kumara, R2 exparte &
R3 rep. By Sri. G.K.Puttaswamy)

COMMON JUDGMENT IN MVC 991/2017 & 992/2017

**By order dated 10.08.2023 MVC No.991/2017 was clubbed with
MVC 992/2017 as the incident arose out of same accident)**

In MVC 991/2017 the petition is filed by the petitioners under Section 166 of Motor Vehicles Act claiming compensation of Rs.20,00,000/- for the untimely death of deceased Rajashree W/o Late Notapura in a Vehicle Accident which occurred on 11.10.2014, near

Yoganarasimhaswamy sawmill, Mandya-Holalu road, Mandya city injuries sustained by her in the road traffic accident.

In MVC 992/2017 the petition is filed by the petitioners under Section 166 of Motor Vehicles Act claiming compensation of Rs.25,00,000/- for the untimely death of deceased Notapura S/o late Bomal Singh in a Vehicle Accident which occurred on 11.10.2014, near Yoganarasimhaswamy sawmill, Mandya-Holalu road, Mandya city injuries sustained by him in the road traffic accident.

2. The petitioner's case in MVC No.991/2017 and MVC No.992/2017 in the nutshell as follows :-

That on 11.10.2014 at about 2.45 p.m. the father of the petitioners by name Notapura and his wife Rajashree who was the 2nd wife of said Notapura i.e. mother of the petitioners were going by walk from Holalu circle towards Santemala on Mandya-Holalu road, slowly by observing the road rules and regulations and near Yoganarasimhaswamy

sawmill when they were so going by walk on the left side of the road, at that time Crane No.KA-51/Z-3117 being driven by its driver came from their back side in a rash and negligent manner at high speed so as to endanger to human life and dashed to the said Notapura and 2nd wife Rajashree and caused the accident. Due to the said accident, both of them were fell down. Wheels of the Crane run over the Stomach of the Rajashree and she died at the spot. Notapura sustained fatal injuries to his right leg and immediately he was taken to district hospital, Mandya and inspite of giving best medical treatment he succumbed to injuries on the same day at about 7.15 p.m. After PM examination the dead body was taken to native place by engaging taxi. In MVC No.291/2017 the petitioners have paid Rs.25,000/- towards taxi charge to deceased. The petitioners have spent Rs.1,00,000/- towards funeral and obsequies ceremony of deceased Rajashree. Further stated that, at the time of accident, the deceased Rajashree was aged about 50 years and doing coolie work and earning Rs.10,000/- per month. Further stated that, she is only

female member in the family and entire family members were depending upon the income of the deceased. The petitioners No.2 to 5 are the unmarried children of deceased Rajashree. The petitioners have lost their mother's love and affection.

In MVC No.292/2017 the petitioners have paid Rs.25,000/- towards taxi charge. The petitioners have spent Rs.50,000/- towards the medical expenses of Notapura. The petitioners have spent Rs.1,00,000/- towards funeral and obsequies ceremony of deceased Notapura. Further stated that, at the time of accident, the deceased Notapura was aged about 55 years and doing mason work and earning Rs.15,000/- per month. Further stated that, he is only female member in the family and entire family members were depending upon the income of the deceased. Further stated that, the petitioners No.1 to 3 are children of deceased through 1st wife. Petitioners No.4 to 8 are the children of deceased through 2nd wife. The petitioners No.5

to 8 are unmarried children of deceased Notapura. The petitioners have lost their father's love and affection.

Further stated that, the 1st respondent is the owner and policy stands in the name of 2nd respondent and the said Crane is validly insured with 3rd respondent and the policy was in force as on the date of accident. They are jointly and severally liable to pay the compensation to the petitioners. Hence, prays for allowing the petitions.

3. The respondent No.1 in both M.V.C. No.991/2017 and MVC No.992/2017 have appeared through his counsel but not filed objection statement to the petitions.

The respondent No.3 in MVC No.991/2017 and MVC No.992/2017 has filed statement of objection and denied the entire averments of the petition and submitted that, the Crane bearing Reg.No.KA-51-Z-3117 was not insured with the company at the time of accident. Further submitted that, the driver of the Crane bearing Reg.No.KA-51-Z-3117 at the time of accident was not having valid and effective driving licence to drive the vehicle. In MVC No.992/2017

The respondent No.3 denied the relationship of petitioners with the deceased and also denied they are dependents and legal heirs to the deceased. Hence, prays to dismiss the petitions.

4. On the basis of above pleadings, the following issues are framed by this Court in MVC No.991/2017:-

1. Whether the petitioners prove that, on 11.10.2014 at about 2.45 p.m. their father by name Notapura and his wife Rajashree who was second wife of said Notapura i.e. mother of petitioners were going by walk from Holalu circle towards Santemala on Mandya-Holalu road near Yoganarasimhaswamy Sawmill and at that time driver of the Crane bearing No.KA-51-Z-3117 came in rash and negligent manner at high speed, so as to cause endangerous to human life and dashed against said Notapura and his second wife Rajashree and caused the accident and both of them have fell down and wheels of the Crane run over the stomach of Rajashree and she died at the spot ?
2. Whether the petitioners prove that, they are entitle for compensation? From whom, to what extent ?
3. What order ?

On the basis of above pleadings, the following issues are framed by this Court in MVC No.992/2017:-

1. Whether the petitioners prove that, on 11.10.2014 at about 2.45 p.m. the father of petitioner by name Notapura and his 2nd wife Rajashree and their family members were going by walk from Holalu circle near Yoganarasimhaswamy Sawmill, at that time driver of the Crane bearing No.KA-51-Z-3117 came in rash and negligent manner at high speed, so as to cause endangerous to human life and dashed against said Notapura and his second wife Rajashree and caused the accident. Due to which they fell down, Notapura sustained fatal injuries, immediately he was shifted to district hospital, Mandya and in spite of giving best medical treatment he was succumbed to injuries ?

2. Whether the petitioner proves that, they are entitle for compensation ? From whom, to what extent ?

3. What order ?

5. In order to substantiate their case, the petitioner No.3 in MVC No.992/2017 and petitioner No.6 in MVC No.991/2017 examined himself as PW.1 and got marked seven documents at Ex.P1 to Ex.P7. The petitioners also examined one witness as PW2 on their behalf. On the other

hand, the respondent No.3 examined official of RTO as RW1 and also examined its official as RW2 and got marked four documents as Ex.R1 to R4.

6. Heard arguments and perused the materials on record. The respondent No.3 has filed the written argument.

7. The Court proceeds to answers the above said issues in MVC No.991/2017 as under:-

Issue No.1 : In the AFFIRMATIVE

Issue No.2 : In the PARTLY AFFIRMATIVE

Issue No.3 : As per the final order,
for the following:-

The Court proceeds to answers the above said issues in MVC No.992/2017 as under:-

Issue No.1 : In the AFFIRMATIVE

Issue No.2 : In the PARTLY AFFIRMATIVE

Issue No.3 : As per the final order,
for the following:-

R E A S O N S

8. **ISSUE NO.1 in MVC No.991/2017 & 992/2017:** - It is the case of the petitioners that, on 11.10.2014 at about

2.45 p.m. the father of the petitioners by name Notapura and his wife Rajashree who was the 2nd wife of said Notapura i.e. mother of the petitioners were going by walk from Holalu circle towards Santemala on Mandya-Holalu road, near Yoganarasimhaswamy sawmill when they were going by walk on the left side of the road, at that time Crane No.KA-51/Z-3117 being driven by its driver came from their back side in a rash and negligent manner at high speed so as to endanger to human life and dashed to the said Notapura and 2nd wife Rajashree and caused the accident. Due to the said accident, both of them were fell down. Wheels of the Crane run over the Stomach of the Rajashree and she died at the spot. Notapura sustained fatal injuries to his right leg and immediately he was taken to district hospital, Mandya and in spite of giving best medical treatment he succumbed to injuries on the same day at about 7.15 p.m.

9. The petitioner No.3 in MVC No.992/2017 and petitioner No.6 in MVC No.991/2017 examined himself as

PW.1 and got marked seven documents at Ex.P1 to Ex.P7. He has been chief examined by way of affidavit, wherein, he has reiterated the entire petition averments and also has deposed that, he is deposing on behalf of other petitioners. The PW.1 deposed that, he is the son of deceased Notapura and Rajalakshmi and the petitioners were dependent on the deceased. PW.1 in his chief examination has deposed that, the accident has been caused due to the rash and negligent driving by the driver of Crane bearing Reg. No.KA-51-Z-3117. In the cross examination of PW.1, he has denied the suggestion that, the accident was due to the fault of the deceased Notapura.

10. The petitioners have examined the eye witness as PW2. In the chief examination, he has deposed that at the time of accident while he was standing in drinking Tea at Tea shop opposite to Yoganarasimhaswamy sawmill, the driver of Crane bearing No.KA-51-Z-3117 drove the same in rash and negligent manner and dashed the Notapura and his wife Rajashree. Further deposed that, he has informed to the police. The police have took his statement. In the cross-

examination he denied the suggestion that, he has not seen the alleged accident and police have not cited him as a witness.

11. It is well settled principle that, in Motor Accident Compensation Cases strict proof of negligence is not required. This is also been held by the *Apex Court* in **2009 (13) SCC 530 between Bimladevi and others -V/s- Himachala Pradesh Road Transport Corporation** and also **AIR 2011 SC 1504 between Parmeshwari -V/s- Amir Chand and others**, wherein, the *Apex Court* has held that, “in Motor Accident Compensation Cases strict proof of negligence is not required to be established before the Court. The claimants were merely to establish their case on the touchstone of pre-ponderance of probability. The standard of proof beyond reasonable doubt could not have been applied.”

12. Perused the principle laid down in the above said citations. It has been held that, in the case of motor accident cases, the accident need not be strictly proved by the petitioner. On the other hand, the claimants are merely

to establish negligence by the driver of the offending vehicle by the touchstone of preponderance of probability. Hence, by relying on above cited decisions to the present case on hand, PW.1 has produced Ex.P1 to Ex.P7 documents. Ex.P1 is the FIR wherein, the complaint has been lodged against the driver of the Crane bearing Reg.No.KA-51-Z-3117 for the accident that occurred on 11.10.2014 at 2:45 P.M near Sri. Yoganarashimma swamy Sawmill, Mandya Holalu road, Mandya city. Ex.P2 is the copy of complaint it has been given by N.Vinoda S/o Nagaraju on 11.10.2014 at 4.00 P.M. Ex.P4 is the spot mahazar. Ex.P5 is the MVA report. Ex.P6 is the Post Mortem report of Notapura which reveals that, the death of the deceased is due to shock and haemorrhage and Ex.P7 is the Post Mortem report of Rajashree which reveals that, death of the deceased is due to shock and haemorrhage. Ex.P3 is the Charge sheet it goes to show that, driver of the Crane bearing Reg.No.KA-51-Z-3117 has been charge sheeted as accused on the allegations that, he has committed the offence of rash and negligent driving and as a result caused accident which resulted in the death of the

deceased Notapura and Rajashree. On perusal of the charge sheet it clearly shows that, the concerned police after completion of entire investigation filed charge sheet against the driver of the offending vehicle. As such, rash and negligent act by the driver of the Crane bearing Reg.No.KA-51-Z-3117 is said to be established. Further, charge sheet is said to be a reliable document for proving negligence in a Motor Vehicle Accident claim petition. Hence, the charge sheet supports the case of the petitioners that, the accident was due to rash and negligent driving by the driver of the offending vehicle. Above said documents clearly establishes that, the deceased Notapura and Rajashree were died due to the accident. With this observation **Issue No.1 in both MVC No.991/2017 and MVC No.992/2017** are answered **in the Affirmative.**

13. **ISSUE NO.2 in MVC No.991/2017:-** In this case the petitioners have claimed compensation of Rs.20,00,000/- for the death of the deceased Rajashree in a Motor Vehicle Accident case.

14. The question would be, how the assessment of compensation in the case of death has to be made. Fortunately, in *Sarla Verma -V/s- Delhi Transport Corporation*, (2009) 6 SCC 121 at para No.18 and 19, the Hon'ble Apex Court has prescribed the guidelines for determining the compensation in case of death. For convenience sake, I have reproduced the relevant portion for better understanding.

“Basically only three facts need to be established by the claimants for assessing compensation in the case of death:

- 1. age of the deceased:*
- 2. income of the deceased; and the*
- 3. the number of dependents.*

The issues to be determined by the Tribunal to arrive at the loss of dependency are:

- 1. Additions/deductions to be made for arriving at the income.*
- 2. The deduction to be made towards the personal living expenses of the deceased; and*
- 3. The multiplier to be applied with reference to the age of the deceased.*

If these determinants are standardized, there will be uniformity and consistency in the decisions. There will lesser need for detailed evidence. It will also be easier for the insurance companies to settle accident

claims without delay. To have uniformity and consistency, the Tribunals should determine compensation in cases of death, by the following well-settled steps;

Step 1 (Ascertaining the multiplicand) – The income of the deceased per annum should be determined, out of the said income a deduction should be made in regard to the amount which the deceased would have spent on himself by way of personal and living expenses. The balance, which is considered to be the contribution to the dependent family, constitutes the multiplicand.

Step 2 (Ascertaining the multiplier) – Having regard to the age of the deceased and period of active career, the appropriate multiplier should be selected. This does not mean ascertaining the number of years he would have lived or worked but for the accident. Having regard to several imponderables in life and economic factors, a table of multipliers with reference to the age has been identified by this Court. The multiplier should be chosen from the said table with reference to the age of the deceased.

Step 3 (Actual calculation) – The annual contribution to the family (multiplicand) when

multiplied by such multiplier gives the loss of dependency to the family”.

15. Keeping in view the position of law laid down by the Hon'ble Apex Court in Sarla Verma's case, now, I proceed to discuss about the age of the deceased. The age of the deceased as per the postmortem report Ex.P7 is shown as 50 years. Hence, the age of the deceased is considered as 50 years. Thus, I conclude that, as on the date of the accident, the deceased was aged around 50 years.

16. The next question would be, what was the income or earning of the said deceased Rajashree. The record shows that, as per evidence of PW.1 the deceased was doing coolie and earning Rs.10,000/- per month. The petitioners have not produced any document to show the deceased was earning Rs.10,000/- per month. Hence, by applying the concept of notional income, the accident having occurred in 2014, the income of the deceased is considered as Rs.8,500/- per month as per the guidelines of KSLSA dated 22.02.2022.

17. The next question would be, whether the future prospects has to be taken into account in addition to income of the deceased. This Court would like to rely on the decision of the constitutional bench decision of Apex Court in **(2017) 16 SCC 680 in National Insurance Company Ltd., -V/s- Pranay Sethi and others**, has held that, in the case of death of deceased who was self employed or on a fixed salary and where the deceased was below 40 years then 40%, in the case of age of deceased between 40 to 50 years then 25% and in the case of age of deceased between 50 to 60 years then 10% of the established income excluding the tax component is to be taken towards the future prospects.

18. By considering and applying the said principle to the case on hand, since the deceased was 50 years old and her income is considered as Rs.8,500/-, the future prospects at the rate of 25% is taken as 2125/-. So the actual income of the deceased is Rs.10,625/-.

19. The next question would be, what is the amount that needs to be deducted for personal and living expenses of the said deceased. Since, the deceased was the mother of the petitioners, this Tribunal views that, one fourth (1/4) has to be deducted towards her personal expenses. Hence, I

conclude that one fourth (1/4) of the income of the deceased should be deducted towards personal and living expenses of the deceased. Hence, that would be Rs.2,656/-. So, Rs.7,969/- is the actual income of the deceased per month and her yearly income is Rs.7,969 X 12 = 95,628/-. Therefore, the loss of dependency comes to Rs.95,628/- per year. Further, in Sarla Verma's case itself the Hon'ble Supreme Court has given the table of multipliers. Wherein, it is shown that, for the person aged around 50 years the multiplier applicable is 13.

20. Further, to compute the total loss of dependency, this Court has to multiply the yearly loss of dependency by the appropriate multiplier. If we do so then, the total loss of estate or loss of dependency comes to Rs.95,628 x 13 = Rs.12,43,164/-.

21. Undisputedly, petitioners are the children of the deceased. Hence, this Tribunal views that, they are dependents of the deceased.

22. *The petitioners are entitled for Rs.10,000/- each towards loss of love and affection.* Further, Rs.15,000/- is awarded towards funeral expenses and transportation expenses. Hence, based on the principle laid down in the above cited cases and taking into consideration of facts and circumstances of the case, I deem it fit to award compensation under the conventional heads as under:-

1.	<i>Compensation towards loss of dependency</i>	Rs.12,43,164-00
2.	<i>Compensation towards loss love and affection</i>	Rs.40,000-00
3.	<i>Compensation towards funeral expenses.</i>	Rs.15,000-00
	Total	Rs.12,98,164-00

23. Therefore the petitioners in MVC No.991/2017 are entitled for compensation amount of Rs.12,98,164/- which is rounded of to Rs.**12,98,200/-** (Rupees Twelve Lakhs Ninety eight thousand two hundred only) for the death of deceased Rajashree. In my opinion, above said compensation awarded to the petitioners is just, fair and proper in the facts and circumstances of the case.

24. **ISSUE NO.2 in MVC No.992/2017:-** In this case the petitioners have claimed compensation of Rs.25,00,000/- for the death of the deceased Notapura in a Motor Vehicle Accident case.

25. The question would be, how the assessment of compensation in the case of death has to be made. Fortunately, in *Sarla Verma -V/s- Delhi Transport Corporation, (2009) 6 SCC 121 at para No.18 and 19*, the Hon'ble Apex Court has prescribed the guidelines for determining the compensation in case of death. For convenience sake, I have reproduced the relevant portion for better understanding.

“Basically only three facts need to be established by the claimants for assessing compensation in the case of death:

- 4. age of the deceased:*
- 5. income of the deceased; and the*
- 6. the number of dependents.*

The issues to be determined by the Tribunal to arrive at the loss of dependency are:

- 4. Additions/deductions to be made for arriving at the income.*
- 5. The deduction to be made towards the personal living expenses of the deceased; and*

6. The multiplier to be applied with reference to the age of the deceased.

If these determinants are standardized, there will be uniformity and consistency in the decisions. There will lesser need for detailed evidence. It will also be easier for the insurance companies to settle accident claims without delay. To have uniformity and consistency, the Tribunals should determine compensation in cases of death, by the following well-settled steps;

Step 1 (Ascertaining the multiplicand) – The income of the deceased per annum should be determined, out of the said income a deduction should be made in regard to the amount which the deceased would have spent on himself by way of personal and living expenses. The balance, which is considered to be the contribution to the dependent family, constitutes the multiplicand.

Step 2 (Ascertaining the multiplier) – Having regard to the age of the deceased and period of active career, the appropriate multiplier should be selected. This does not mean ascertaining the number of years he would have lived or worked but for the accident. Having regard to several imponderables in life and economic factors, a table of multipliers with reference to the age has been identified by this Court. The

multiplier should be chosen from the said table with reference to the age of the deceased.

Step 3 (Actual calculation) – The annual contribution to the family (multiplicand) when multiplied by such multiplier gives the loss of dependency to the family”.

26. Keeping in view the position of law laid down by the Hon'ble Apex Court in Sarla Verma's case, now, I proceed to discuss about the age of the deceased. The age of the deceased as per the postmortem report Ex.P6 is shown as 55 years. Hence, the age of the deceased is considered as 55 years. Thus, I conclude that, as on the date of the accident, the deceased was aged around 55 years.

27. The next question would be, what was the income or earning of the said deceased Notapura. The record shows that, as per evidence of PW.1 the deceased was doing mason work and earning Rs.15,000/- per month. The petitioners have not produced any document to show the deceased was earning Rs.15,000/- per month. Hence, by applying the concept of notional income, the accident having occurred in 2014, the income of the deceased is

considered as Rs.8,500/- per month as per the guidelines of KSLSA dated 22.02.2022.

28. The next question would be, whether the future prospects has to be taken into account in addition to income of the deceased. This Court would like to rely on the decision of the *constitutional bench decision of Apex Court in (2017) 16 SCC 680 in National Insurance Company Ltd., -V/s- Pranay Sethi and others*, has held that, in the case of death of deceased who was self employed or on a fixed salary and where the deceased was below 40 years then 40%, in the case of age of deceased between 40 to 50 years then 25% and in the case of age of deceased between 50 to 60 years then 10% of the established income excluding the tax component is to be taken towards the future prospects.

29. By considering and applying the said principle to the case on hand, since the deceased was 55 years old and his income is considered as Rs.8,500/-, the future prospects at the rate of 10% is taken as 850/-. So the actual income of the deceased is Rs.9,350/-.

30. The next question would be, what is the amount that needs to be deducted for personal and living expenses of the said deceased. Since, the deceased was the father of the

petitioners, this Tribunal views that, one fifth ($1/5$) has to be deducted towards his personal expenses. Hence, I conclude that one fifth ($1/5$) of the income of the deceased should be deducted towards personal and living expenses of the deceased. Hence, that would be Rs.1,870/-. So, Rs.7,480/- is the actual income of the deceased per month and his yearly income is $\text{Rs.7,480} \times 12 = 89,760/-$. Therefore, the loss of dependency comes to Rs.89,760/- per year. Further, in Sarla Verma's case itself the Hon'ble Supreme Court has given the table of multipliers. Wherein, it is shown that, for the person aged around 55 years the multiplier applicable is 11.

31. Further, to compute the total loss of dependency, this Court has to multiply the yearly loss of dependency by the appropriate multiplier. If we do so then, the total loss of estate or loss of dependency comes to $\text{Rs.89,760} \times 11 = \text{Rs.9,87,360/-}$.

32. Undisputedly, petitioners are the children of the deceased. Hence, this Tribunal views that, they are dependents of the deceased.

33. *The petitioners are entitled for Rs.10,000/- each towards loss of love and affection.* Further, Rs.15,000/- is awarded towards funeral expenses and transportation expenses. Hence, based on the principle laid down in the above cited cases and taking into consideration of facts and circumstances of the case, I deem it fit to award compensation under the conventional heads as under:-

1.	<i>Compensation towards loss of dependency</i>	Rs.9,87,360-00
2.	<i>Compensation towards loss of love and affection</i>	Rs.80,000-00
3.	<i>Compensation towards funeral expenses.</i>	Rs.15,000-00
	Total	Rs.10,82,360-00

34. Therefore the petitioners in MVC No.992/2017 are entitled for compensation amount of Rs.10,82,360/- which is rounded off to Rs.**10,82,400/-** (Rupees Ten Lakhs Eighty two thousand four hundred only) for the death of deceased

Notapura. In my opinion, above said compensation awarded to the petitioners is just, fair and proper in the facts and circumstances of the case.

Liability :-

35. Now, this Tribunal has to consider who is liable to pay compensation amount to the petitioners. Further, as stated earlier, the rider of offending vehicle i.e. Crane bearing No.ka-51-Z-3117 had no driving licence to drive the vehicle at the time of accident. Admittedly, in this case respondent No.1 is the driver, respondent No.2 is the owner and respondent No.3 is the insurer of the offending vehicle. The respondent No.1 has appeared through the counsel but, has not stepped into the witness box. The respondent No.2 has not appeared before this Court. The respondent No.3 has examined one witness i.e. RTO as RW1. He has deposed that, he is working as FDA at RTO, Chamarajanagara. He has produced driving licence extract of Madesha G i.e. respondent No.1/accused No.1. Accused No.1 can drive only motorcycle with gear and LMV(NT). Madesha was

having heavy license but, same was not renewed and it was closed on 05.01.2014. Madesha is not permitted to drive mobile Crane. In the cross-examination, he has denied the suggestion that, the person who is having heavy license may drive mobile crane. The official of the respondent No.3 is examined as RW2. In the chief examination, he has stated that the driver of the offending vehicle i.e. Hydraulic mobile Crane bearing No.KA-51-Z-3117 has not having driving license at the time of accident. He has produced Ex.R2 to R4.

36. The respondent No.3 has relied upon the following decisions:-

1. MFA 23085/2012 between Sadashiv V/s Sangappa Matannavar.
2. Miscellaneous First Appeal No.12091/2011 between Manjunatha V/s Ravi and Others

37. The petitioners have relied upon the following decision:-

1. MFA 200582/2021 between Sunita and another V/s M/s Allcargo Logistics Ltd., and another.

38. On perusal of the Ex.R1 driving licence extract of Madesha G. is clearly shows that, driving licence of non transporting from 31.07.2009 to 30.07.2029 and transporting from 06.01.2011 to 05.01.2014. Admittedly accident occurred on 11.10.2014. Hence, it is clear that on the date of the accident, the 1st respondent/rider had no driving licence to drive the Crane bearing No.KA-51-Z-3117. Hence, the respondent No.3 is not liable to indemnify the 2nd respondent/owner/insured against any claims since the 2nd respondent/owner of the Crane has wilfully breached the terms and conditions of the policy and violated the provisions of the MV Act. Hence, this Tribunal views that, there was negligence to the extent of 20% by the respondent No.2. Hence, there was negligence to the extent of 20% by the respondent No.2 and as such the respondent No.2 is liable to pay 20% and respondent No.3 is liable to pay 80% in both cases.

39. In the light of the above discussion the petitioners in MVC No.991/2917 are entitled to compensation of

Rs.**12,98,200/-** and petitioners in MVC No.992/2017 are entitled for compensation of Rs.**10,82,400/-**. The petitioners have sought for interest at the rate of 18% p.a. from the date of petition till realization. In **Vijay Ishwar Jadhav & Others V/s Ulrich Belchior Fernandes & Another in M.F.A.No.100090/2014 [MV]** dated 07-03-2018 the Hon'ble High Court of Karnataka has held that in the absence of any law relating to interest on judgments, the MACT has to follow the provisions of Sec.34 of CPC and accordingly awarded interest at 6%. Considering the facts and circumstances of the present case and the principles laid down in the aforesaid decision, if interest at the rate 6% p.a. from date of petition till realization is awarded, it would meet the ends of justice. Accordingly issue No.2 in MVC No.991/2017 and MVC No.992/2017 are answered **partly in the affirmative.**

40. ISSUE NO.3 in MVC No.991/2017 & 992/2017: - For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The petition filed by the petitioners in MVC No.991/2017 and 992/2017 under Sec.166 of Motor Vehicles Act are partly allowed with costs.

The petitioners in MVC No.991/2017 are entitled to compensation of Rs.**12,98,200/-** (Rupees Twelve Lakhs Ninety eight thousand two hundred only) along with interest at 6% p.a from the date of petition till deposit of the amount.

The petitioners in MVC No.992/2017 are entitled to compensation of Rs**10,82,400/-** (Rupees Ten Lakhs Eighty two thousand four hundred only) along with interest at 6% p.a from the date of petition till deposit of the amount.

The respondents No.2 and 3 are jointly and severally held liable to pay compensation amount awarded in MVC No.991/2017 and MVC No.992/2017.

The respondent No.2 is liable to pay 20% of the compensation to the petitioners and respondent No.3 liable to pay 80% of the

compensation to the petitioners in both cases and they shall deposit the amount within 30 days from the date of this order.

After such deposit in MVC 991/2017, the compensation along with interest shall be apportioned and the petitioners are entitled equal compensation.

Out of the compensation apportioned to the petitioners in MVC 991/2017, 70% shall be released in their respective names to their Bank accounts on proper identification and the remaining 30% shall be kept in FD in any Nationalized Bank for a period of 3 years.

After such deposit in MVC 992/2017, the compensation along with interest shall be apportioned and the petitioners are entitled equal compensation.

Out of the compensation apportioned to the petitioners in MVC 992/2017, 70% shall be released in their respective names to their Bank accounts on proper identification and the remaining 30% shall be kept in FD in

any Nationalized Bank for a period of 3 years.

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

Draw award accordingly.

The original judgment shall be kept in MVC No.992/2017 and the copy of the judgment shall be kept in MVC No.991/2017.

(Dictated to the Stenographer, transcribed by him, Judgment corrected and signed by me, then pronounced by me in the Open Court on this the 25th day of April, 2026).

(NARASIMHA MURTHY. M)
Ist ADDL. SENIOR CIVIL JUDGE &
MEMBER MACT,
NAGAMANGALA.

A N N E X U R E

THE LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS

PW1 : Venkatesha
PW2 : Pati

THE LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/s

RW1 : A.J. Santhosha
RW2 : Ashwini

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER/s

Ex.P1 : C/c of FIR
Ex.P2 : C/c of Complaint
Ex.P3 : C/c of charge sheet

Ex.P4 : C/c of spot Mahazar
Ex.P5 : C/c IMV report
Ex.P6 & 7 : C/c of P.M. reports

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT/s

Ex.R1 : D.L extract
Ex.R2 : Authorization letter
Ex.R3 : True copy of Insurance policy
Ex.R4 : True copy of Charge sheet

(NARASIMHA MURTHY. M)
Ist ADDL. SENIOR CIVIL JUDGE &
MEMBER MACT,
NAGAMANGALA.