

KAMS600000992025



M.V.C./130/2025

**IN THE COURT OF SENIOR CIVIL JUDGE & MACT,
PERIYAPATNA;**

**Present; Sri.Raju.M.,
M.A., LL.B,
Senior Civil Judge & MACT
Periyapatna.**

MVC.No.130 of 2025

DATED THIS THE 7th DAY OF MARCH 2026

Petitioners:

- 1.** Smt.Nagamma w/o Late Puttaraju,
Age: 43 years, Occ: Agriculture and Coolie.
- 2.** Mr.Chandra s/o Late Puttaraju,
Age: 19 years, Occ: Coolie.
- 3.** Kum.Parvathi d/o Late Puttaraju,
Age: 17 years, Student.
- 4.** Kum.Mani d/o Late Puttaraju,
Age: 15 years, Student,
r/at Handigudda Kavalu Village,
Haranahalli Hobli, Periyapatna Taluk,
Mysore District.

(By Sri.KBS, Advocate)

v/s

Respondents:

1. Sri.Manoj Kumar Chaubey,
s/o Hradyananda Chaubey,
Age: 43 years, r/at Engineering
and Construction, Near Anna High School,
Kuntikana Mangalore Taluk,
DK District.

2. Universal Sompo General
Insurance Co., Ltd.,
2nd Floor, Gurukar Devanna Street,
Fort Mohalla, Mysuru

(Ex parte)

J U D G M E N T

Petition is filed under Section 166 of MV Act seeking compensation of Rs.37,25,000/- with interest at the rate of 18% p.a. on account of death of Late Puttaraju i.e., husband of petitioner No.1 and father of petitioner Nos.2 to 4 in a road traffic accident.

2. Brief facts of the case is that on 04.11.2024, at about 7AM, deceased Puttaraju was riding his Moped bearing Reg.No.KA-45-EA/3570 XL 100 on the left side of the road heading towards Hunasawadi Circle from Handhigudda Kavalu Village on the north side edge of

Mysuru-Madikeri Main road, at that time Maruthi Suzuki Waganor Car bearing Reg.No.KA-19-MH/6282 heading towards Mysuru from Mangalore came there in a rash and negligent manner being driven by its driver and dashed the hind portion portion of the mophed of the deceased and caused the accident. Due to impact the said Puttaraju sustained injuries to his head, forehead, face, legs and ears and died enroute to hospital.

3. Prior to the accident the deceased was hale and healthy, he was doing agriculture and coolie work earning Rs.25,000/- to Rs.35,000/- p.m. Respondent Nos.1 is the owner and respondent No.2 is the insurer of the offending vehicle. Hence, they are liable to pay the compensation to the petitioner.

4. In spite of service of notice, the respondent Nos.1 & 2 did not appear before the Court. Consequently

they were placed ex parte.

5. Following points arises for consideration;

1. Whether petitioners prove that on 04.11.24 at about 7 AM the deceased Puttaraju was riding his Moped bearing Reg.No.KA-45-EA/3570 XL 100on the north side edge of Mysuru-Madikeri Main road, met with an accident and sustained injuries and died while enroute to hospital due to actionable negligence on the part of driver of the Maruthi Suzuki Waganor bearing No.KA-19-MH/6282 as contended?

2. Whether petitioners are entitled for compensation, if so, how much?

3. What order or award?

6. To prove the case of the petitioners; petitioner No.2 got examined himself as Pw.1 and got marked the documents Ex.P1 to Ex.P7. In spite of granting sufficient opportunities Pw.1 is not cross-examined by the defendants.

7. Heard arguments.
8. Answer to the above points are as follows;

Point No.1 : In the affirmative.
Point No.2 : Partly In the Affirmative.
Point No.3 : As per final order
for the following;

REASONS

9. **Point No.1:** The petitioners to prove their case have produced certified copies of FIR, complaint, spot mahazar, inquest report, PM report and charge sheet. All these documents have been marked at Ex.P1 to 6.
10. On going through the documents it is found that Nagamma who is the petitioner No.1 herein has lodged complaint with the Bylakuppe Police, on 04.11.2024 alleging that on the same day at about 7.10 AM she received a phone call from his villager Chikkalakshamma who told that the complainant's husband Puttaraju met with accident near Sancy, on

BM Road, at Manchadevanahlli village and he was shifted to General Hospital, Khushalnagara. Immediately the complainant went to the hospital and saw dead body of her husband Puttaraju. When the complainant enquired with Chikkalakshamma who was present there, then she told that herself and Eeshwar were going to coolie work near Hunasawadi Circle, by that time the Puttaraju was proceeding on his TVS Excel Moped bearing No.KA-45-EA/3570 on the left side of the road near the SANCITY, Manchadevanahlli village. At the same time, the driver of the Wagonor Car bearing No.KA-19-MH/6282 came in rash and negligent manner with high speed and hit the moped wherein Puttaraju was proceeding and said Puttaraju sustained grievous injury on his face and chest. Immediately Chikkalakshamma has shifted the injured to the hospital.

11. Upon receiving the complaint, the Bylakuppe Police have registered the complaint against the driver of the Waganor Car referred in the complaint. Thereafter the police have conducted inquest. As per the PM Report the cause of death of deceased Puttaraju is due to head injury, due to trauma. The injuries found on the dead body of Puttaraju is also noted in the inquest. The police after completion of investigation have filed charge sheet against respondent No.1-Manoj Kumar for the offence punishable under Section 281 and 106 of BNS. On perusal of the spot mahazar and sketch prepared by the police it is found that the accident was occurred just in a distance of 5 feet on the left side of the road which leads from Khushalnagara to Periyapatna. The total width of the road is 28 feet. The deceased has ridden the moped on the left side of the road which was on its proper way. Moreover, the front portion of

the alleged offending car sustained damage and back portion of the moped ridden by the deceased sustained damage. The damages caused to both the vehicles shows the negligence on the part of the respondent No.1 while driving the offending vehicle. The allegation made in the complaint and charge sheet are one and the same.

12. As per settled position of law the standard of proof in the claim petition like the present one which is preponderance of probabilities. Hence, there is no reason to disbelieve the documentary as well as the oral evidence of petitioners. The documentary as well as the oral evidence of petitioner remained unchallenged. Therefore, it is clear that the accident was occurred due to the rash and negligent driving of the offending vehicle belonging to the respondent No.1. Therefore, I answer point No.1 in the ***affirmative.***

13. Point No.2: As stated in the claim petition, the petitioner Nos.1 to 4 are the wife and children of deceased Puttaraju respectively. The petitioners to prove their relationship with the deceased Puttaraju have produced notarized copies of their respective Aadhar Cards marked at Ex.P10. At the time of marking of these documents the original documents were also produced, after verifying with the originals, they were returned to Pw.1. As per these documents the petitioners are the wife, son and mother of the deceased respectively. This aspect is not impeached on behalf of the respondents. Moreover the respondents do not dispute the relationship of the petitioners with the deceased Nagaraja. Hence, it is held that the petitioners being the dependents of deceased, are entitled for compensation.

14. As per Aadhar card produced by the petitioners

the deceased Puttaraju was born on 01.01.1975. The accident was occurred on 04.11.2024. That means the deceased was aged of the 49 years 10 months 3 days i.e., 50 years running as on the date of accident. The multiplier applicable to the age of the deceased is 13. Deceased Puttaraju was doing coolie work and agriculture and it is stated in the petition that he was earning Rs.25,000/- to Rs.35,000/-p.m. but the petitioners have not produced any document to prove the income of the deceased. Hence, the notional income of the deceased is considered at Rs.16,500/- p.m., in the year 2024. The loss of future income of deceased will be $Rs.16,500 \times 12 \times 13 = 25,74,000/-$. Since the deceased had four dependents $1/4$ th of the same i.e., Rs.6,43,500/- is to be deducted, then the future loss of income will be Rs.19,30,500/-. On this amount of future prospectus of 25% i.e., Rs.4,82,500/- is added so the total loss of dependency would be **Rs.**

24,13,000/-. So, the Petitioners are entitled for compensation under the following heads;

- a. Towards loss of dependency : Rs.24,13,000/-
- b. Towards loss of filial consortium : Rs.1,20,000/-
- c. Towards loss of consortium : Rs.40,000/-
- d. Towards loss of estate : Rs.15,000/-
- e. Towards funeral expenses : Rs.15,000/-

Total : Rs.26,03,000/-

15. Liability: The petitioners proved the alleged accident occurred due to rash and negligent driving of the offending Waganor Car by its driver which belongs to respondent No.1. As per xerox copy of the insurance policy produced by the petitioner, the respondent No.2 has issued policy in the name of respondent No.1 to the offending vehicle and the policy was in force as on the date of accident. Hence, respondent No.2 is liable to indemnify the respondent No.1. Accordingly, point

No.2 is answered in the ***partly in the affirmative.***

16. Point No. 3: By virtue of above findings Tribunal proceeds to pass the following;

ORDER

Petition is allowed in part with costs.

Petitioners are entitled for compensation of **Rs.26,03,000/-** (*Rupees Twenty Six Lakhs and Three Thousand only*) along with interest @ **6%** per annum from the date of petition till its realization.

Respondent No.2 is liable to pay the compensation to the petitioners and it shall deposit the aforesaid compensation amount within **60** days from the date of judgment.

Petitioner Nos.1 to 4 are entitled for compensation at the ratio of 70:10:10:10.

Out of awarded amount 50% shall be released to petitioner No.1 and remaining 50% shall be deposited in her name, in any nationalized/scheduled Bank for a

period of three years with liberty to withdraw the accrued interest.

Compensation amount awarded in favour of petitioner Nos.3 & 4 shall be kept in FD of any nationalised Bank of the choice of the natural guardian of the minor petitioner till they attain the age of majority.

Considering the quantum of award amount it is ordered to release the entire amount in favour of petitioner No.2 after proper identification.

Advocate's fee is fixed at Rs.1000/-.

Draw the award accordingly.

(Dictated to the Stenographer directly on computer, transcribed by her corrected by me and then pronounced in the Open Court, this the 7th day of March 2026).

sd/-
(Raju.M.)
Senior Civil Judge & MACT
Periyapatna

ANNEXURES**LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS:-**

Pw.1 : Sri.Chandra

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONERS:-

Ex.P1 : C/c of FIR
Ex.P2 : C/c of Complaint
Ex.P3 : C/c of Spot Mahazar
Ex.P4 : C/c of Inquest Report
Ex.P5 : C/c of PM Report
Ex.P6 : C/c of Charge Sheet
Ex.P7 : C/c of Aadhar Card

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS:-

Nil

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENTS:-

Nil

sd/-

**Senior Civil Judge
& Member, MACT,
Periyapatna.**