

KAMS600013662024



M.V.C./2661/2024

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

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

MVC.No.2661 of 2024

DATED THIS THE 2nd DAY OF APRIL 2026

Petitioners:

1. Papamma w/o Late Sathish
Age: 50 years, Agriculturist & Kuli.

2. Revathi c/o Shanmuga
Age: 27 years, House wife

3. Ranjitha C.S. d/o Late Sathish
Age: 25 years, Coolie,
r/at Chowkuru village,
Kasaba Hobli, Periyapatna Taluk,
Mysore District.

(By Sri.KBS, Advocate)

Respondents :

1. Sri.A.N.Shankarappa s/o A C Nanjappa
Age: 43 years, owner of vehicle,
r/at No.14, Albur, Nonavinakere,
Tiptur Taluku, Tumkur District.

2. The United India Insurance Co., Ltd.,
No.1134, Devaru Mansion,
Dr.B.R.Ambedkar Road,
Chamarajapuram,
Mysuru.

**(R1 Ex parte
R2 by Sri.BMS, Advocate)**

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 Sathish i.e., husband of petitioner No.1 and father of petitioner Nos.2 and 3 in a road traffic accident.

2. Brief facts of the case is that on 02.06.2024, at about 4.30 PM, deceased Satish was riding his motorbike bearing Reg.No.TN-42-C/5157 from Hassan

heading towards Arakalagudu on the left side of the road at that time a private bus bearing Reg.No.KA-44/6898 came therein from opposite side being driven by its driver in a rash and negligent manner in a turn road without giving any indication and dashed the motorbike of the petitioner which resulted in walloping of bus along with the above said motorbike to the barrier wall due to which the deceased was strucked in the middle of the barrier wall sustaining grievous injuries to his head and other parts of the body and succumbed to the same at the spot.

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. After service of notice, the respondent No.1 did not appear before the Court. Consequently he was placed ex parte. Respondent No.2 appeared before the Court and filed the written statement denying the petition averments and contended that the accident caused due to negligence on the part of the deceased. The driver of the offending vehicle was not holding valid driving license at the time of accident; thereby, the insured violated the terms and conditions of the policy by handing over the vehicle to a person without license, as such its liability if any is to be exonerated. Petition is bad for non-compliance of mandatory requirements as envisaged under Section 134(c) & 158(6) of MV Act as the insured and jurisdictional police failed to submit relevant documents within statutory period. Liability if any is subject to the terms & conditions enumerated in the policy. Compensation and rate of interest claimed thereon are exorbitant.

Among these grounds and reserving liberty to contest the claim on all grounds under Section 170 of MV Act and prays to dismiss the petition.

5. Following issues were framed;

- 1.** Whether petitioners prove that on 02.06.2024, at about 4.30 PM, deceased Satish while riding his motorbike bearing Reg.No.TN-42-C/5157, on the left side of the road from Hassan towards Arakalagudu, met with an accident and sustained injuries and succumbed to the same at the spot due to actionable negligence on the part of driver of the private bus bearing Reg.No.KA-44/6898 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.3 got examined herself as Pw.1 and got marked the documents Ex.P1 to Ex.P10. On the other hand, the

respondents did not adduce any evidence.

7. Heard arguments.

8. Answer to the above issues are as follows;

Issue No.1 : In the affirmative.

Issue No.2 : Partly In the Affirmative.

***Issue No.3 : As per final order
for the following;***

REASONS

9. **Issue No.1:** The petitioners to prove their case have produced certified copies of FIR, complaint, spot mahazar, inquest report, PM report, IMV Report and charge sheet. All these documents have been marked at Ex.P1 to 6 and 8.

10. On going through the documents it is found that Papamma (petitioner No.1) has lodged complaint with the Hassan Rural Police, on 02.06.2024 alleging that on the same day in the morning her husband Satish went to Hassan on his bike bearing

Reg.No.TN-42-C/5157, to bring a puppy. Thereafter at about 5 PM she received a phone call from his villager Murugesh who told that the complainant's husband met with accident near Doddabhaganahalli Cross, Agile Village, Hassan-Arakalagudu Road and died at the spot. Immediately the complainant went to the mortuary of the General Hospital, Hassan wherein she saw dead body of her husband Sathisha which sustained grievous bleeding injuries to various body parts. When the complainant enquired with the above said Murugesha who was present there, then he told that he was going from his village to Hassan, at about 4.30 PM on Hassan-Arakalagudu road, Satish was riding his motorbike ahead of him near Doddabhaganahalli Corss, Agile vilage at that time private bus bearing Reg.No.KA-44/6898 came therein from opposite side being driven by its driver in a rash and negligent manner in a turn road without giving

any indication and dashed the motorbike of said Sathish which resulted in walloping of bus along with the above said motorbike to the barrier wall due to which the deceased was strucked in the middle of the barrier wall, immediately himself and other public pacified the said Satisha and found him sustaining several grievous injuries and also dead.

11. Upon receiving the complaint, the Hassan Rural Police have registered the complaint against the driver of the private bus referred in the complaint. Thereafter the police have conducted inquest. As per the PM Report the cause of death of deceased Sathisha is due to spinal and chest injury. The injuries found on the dead body of Sathisha is also noted in the inquest. The police after completion of investigation have filed charge sheet against respondent No.1-Nagaraju.E., for the offence punishable under Section 279 and 304 (a)

of IPC r/w Section 187 of IMV Act.

12. On perusal of the spot mahazar and sketch prepared by the police it could be ascertain that when the deceased was proceeding on his left side the driver of the alleged offending vehicle came from left to extreme right side and caused the accident. As per the IMV report front side side of the alleged offending vehicle 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.

13. 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. Nothing worth has been

elicited during the course of cross-examination of Pw.1 in order to disprove the case of the petitioners. 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 issue No.1 in the ***affirmative***.

14. Issue No.2: As stated in the claim petition, the petitioner Nos.1 & 3 are the wife and daughter of deceased Sathisha. The petitioners to prove their relationship with the deceased Sathisha 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 petitioner No.1 is the wife and petitioner Nos.2 & 3 are the daughters of the deceased Satisha respectively. Hence, it is held

that the petitioners Nos.1 to 3 being the dependents of deceased, are entitled for compensation.

15. As per Aadhar card produced by the petitioners the deceased Sathisha was born on 01.01.1973. The accident was occurred on 02.06.2024. That means the deceased was aged of the 51 years 05 months 1 day i.e., 52 years running as on the date of accident. The multiplier applicable to the age of the deceased is 11. Deceased Sathisha was doing agriculture and coolie 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 $\text{Rs.16,500} \times 12 \times 11 = 21,78,000/-$. Since the deceased had three dependents $\frac{1}{3}$ rd of the same i.e.,

Rs.7,26,000/- is to be deducted, then the future loss of income will be Rs.14,52,000/-. On this amount of future prospectus of 10% i.e., Rs.1,45,200/- is added so the total loss of dependency would be **Rs. 15,97,200/-**. So, the Petitioners are entitled for compensation under the following heads;

- a. Towards loss of dependency : Rs.15,97,200/-
- b. Towards loss of filial consortium : Rs.80,000/-
- 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.17,47,200/-

16. Liability: The petitioners proved the alleged accident occurred due to rash and negligent driving of the offending Bus by its driver which belongs to respondent No.1. As per xerox copy of the insurance policy produced by the petitioners, 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, issue No.2 is answered in the ***partly in the affirmative.***

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

ORDER

Petition is allowed in part with costs.

Petitioners Nos.1 to 3 are entitled for compensation of ***Rs.17,47,200/-*** (*Rupees Seventeen Lakhs Fourty Seven Thousand and Two Hundred 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 3 are entitled for compensation at the ratio of 70:15:15.

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.

Considering the quantum of compensation amount awarded to the petitioner Nos.2 & 3 it is ordered to release compensation amount awarded to them respectively after its deposit and on 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 2nd day of April 2026).

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

A N N E X U R E S

LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS:-

Pw.1 : Smt.Ranjitha.C.S.

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 IMV Report
Ex.P7 : C/c of Notice issued under Section 133 of MV Act
Ex.P8 : C/c of Charge Sheet
Ex.P9 : Notarised copies of Aadhar Cards
Ex.P10 : Xerox copy of Ration 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.***