KARC500002282025

IN THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT SINDHANUR

Present :- SRI. LAKSHMIKANTH JANAKIRAM MISKIN, M.A., LL.M
Senior Civil Judge & J.M.F.C.
Sindhanur

: M.V.C. NO : 96/2025

Dated this the 2nd day of June 2026

Petitioners :1) Venu W/o M. Jayaraj
Age: 40 years, Occ: Household

2) Jayaraj S/o Satyanarayana
Age: 46 years, Occ: Nil

Both are R/o Amarawati camp, Tq. Manvi
Dist. Raichur now residing at Adarash colony
Sindhanur.

(Represented by Sri.ISK., Advocate)

-V/s-

Respondents : 1) Maheb oob S/o Rajasab Sirugumpi
Driver of KKRTC Bus No.KA-36/F-1595
R/o Dhavalagi village, Tq. Muddebihal
Dist. Vijayapura working at: Devadurga Bus Depo
Tq. Devadurga, Dist. Raichur.

2) The Divisional Controller
KKRTC, Raichur division,
Near RTO office, Raichur

(Owner and self insurer of KKRTC

Bus No.KA-36/F-1595)

(R-1 by: Sri.RKN Advocate)
(R-2 By Sri.UKY, Advocate)

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: <u>J U D G M E N T :</u>

Initially the petitioner filed this petition under section 166 of Motor Vehicle Act, 1989 claiming compensation of Rs.50,00,000/- from the respondents in connection with Motor Vehicle accident dated 12.01.2025.

2. **<u>The petition in brief:-</u>** On 12-01-2025 at about 08.00 PM the deceased was going towards Amarawathi camp Tq Manvi from Sindhnaur on his motor cycle No: KA-04/HP-4368, on Sindhanur- Raichur main road, on the left side of the road, driving his bike in slow and cautious manner following all traffic rules observing road traffic. While the said M Adarsha was passing near Banniganoor seema near Koganti factory, at that time the respondent No:1 ie., driver of NEKRTC bus reg No: KA-36/F-1595 came driving his bus from Manvi in high speed in rash and negligent manner, driving in zigzag manner, endangering to human life and thereby suddenly turned his bus towards extreme right side and thereby hit to the motor cycle of the said deceased. Due to the accident the deceased M Adarsh fell on road. The said M Adarsh sustained grievous injuries on his head, right leg, right hand, blood was oozing from his head and other vital parts of the body. Thereafter while the said deceased was being shifting to Hospital in 108 ambulance, he succumbed to death near CMC Sindhanur. Thereafter the dead body was taken to Govt. Hospital

Sindhanur, wherein PME was conducted and the said body was handed over to the petitioners, who performed their last rights by incurring huge expense of Rs.2,00,000/-. The deceased was doing agriculture, and he was earning Rs. 4,00,000/- pa from agriculture and he was contributing entire income to his family. The deceased was hale and healthy with no bad habits. Due sudden demise of the deceased, the petitoners have lost love and support of their son. And the petitioners have been put to great financial setback apart from mental shock and agony. The claimants were entirely depending on the income of the deceased. The said accident had occurred only due to rash and negligent driving of NEKRTC bus beg reg No: KA-36/F-1595 by the respondent No.1 in High speed. With these averments, the petitioners pray to award compensation amount of Rs.50,00,000/- with interest from the date of petition.

3. This tribunal issued notice to the respondents. The respondent No.1 and 2 have appeared through their counsels. The respondent No.2 has filed written statement.

4. The case of the respondent No.2 in brief :-

The contents of claim petition are not true and correct either in law or on facts. Hence, it is fit to be dismissed. The age, occupation, income, health conditions of deceased as stated in the petition is denied by the respondent. The compensation claimed by the petitioners is exorbitant and denied all other allegations made in the petition and sought for dismissal of the same.

5. In this back ground this tribunal has framed the following issues:-

1. Whether the petitioner proves that late M. Adarsh S/o M. Jayaraj has succumbed due to actionable negligent driving of the KKRTC bus bearing No.KA-36/F-1595 i.e., respondent No.1 which took place at about 8.00 PM, on 12.01.2025, on Sindhanur – Raichur main road, Banniganoor seema, near Koganti factory, Tq. Sindhanur?

2. Whether the respondent No.2 prove that petition is not maintainable for non joinder of necessary parties?

3. Whether the petitioners are entitled for compensation claimed? If so, what amount and from whom?

4. What orders or award?

6. The petitioner No.1 has entered the witness box as PW-1 and got marked Ex.P1 to Ex.P7. The respondent No.1 examined as RW-1 and no documents got marked and closed their side evidence and posted for arguments.

7. Heard arguments. My findings on the issues are as follows :-

ISSUE No.1 :-	In the Partly Affirmative
ISSUE No.2 :-	In the Negative
ISSUE NO.3 :-	In the Partly Affirmative
ISSUE NO.4 :-	As per final order

<u>: R E A S O N S :</u>

8. **<u>ISSUE NO.1</u> :-** This Court perused the material available on record. A perusal of the material available on record make it clear the that investigation officer filed charge - against the driver of the offending vehicle. . Thus in the considered opinion of this court charge - sheet filed by IO , is a prima facie proof of

negligence on the part of the driver of the offending vehicle. It is to be noted that the investigation officer files charge-sheet after scientific investigation from all angles. Thus in the considered opinion of this court, charge - sheet filed by IO in crime relating to crime of accident is a prima facie proof of negligence of the driver of the offending vehicle. In this regard it is beneficial to refer to the decision of the Hon'ble High Court of Karnataka reported in 2018 ACJ 91 =[2016 SCC ONLINE KAR 8864] in between Jacob Vs. The Managing Director, K.S.R.T.C. Depot , para No.8 reads as under.

M.F.A. No. 534 of 2012.
M.F.A. No. 533 of 2012.
M.F.A. No. 4066 of 2012 (MV).
M.F.A. No. 4065 of 2012 (MV).
M.F.A. No. 534 of 2012 :
M.F.A. No. 533 of 2012 :
M.F.A. No. 4066 of 2012 :
M.F.A. No. 4065 of 2012 :
Dated-18.11.2016.

8. Re: Negligence:

The case of the Corporation is that IMV Report at Exhibit.P4 shows, the front right side corner and right side bumper of the bus was damaged and front side of the auto was damaged. The bus was moving on the main road, the auto in which the deceased was traveling was coming from opposite direction and took a right turn/'u' turn towards eastern side of the road without giving any signal and as such, the negligence ought to have been fixed on the driver of the auto. This argument of the Corporation is not worthy of acceptance, the crucial witness to establish the factum of

> negligence would have been the driver, no driver of the offending vehicle was examined by the Corporation. In such circumstances, an adverse inference has to be drawn against the Corporation, more particularly, against the driver of the offending vehicle. Contributory negligence has to be proved on factual grounds. A mere allegation/accusation would not be suffice to ascertain the contributory negligence on the part of the person. Contributory negligence has to be proved by leading direct and corroborating evidence which is conspicuously missing in the present case. **On the other hand, charge-sheet filed against the driver of the offending vehicle indicates negligence on the part of the driver of the offending vehicle. No case is made out by the Corporation to fix the negligence on the part of the driver of the auto.**

The ratio (underline emphasized by me) laid down by the Hon'ble High Court of Karnataka reported in 2018 ACJ 91 =[2016 SCC ONLINE KAR 8864] in between Jacob Vs K.S.R.T.C. Depot is that charge-sheet filed against the driver of the offending vehicle indicates negligence on the part of the driver of the offending vehicle . In the present case also as discussed above the investigation officer as shown at charge - sheet filed by IO in crime relating to accident of this case that he is solely negligence for causing the accident In view of the law laid down by the of the Hon'ble High Court of Karnataka reported in 2018 ACJ 91 =[2016 SCC ONLINE KAR 8864] in between Jacob Vs K.S.R.T.C. Depot driver of the offending vehicle is alone responsible for the accident.

9. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in reported in 2025 SCC ONLINE SC 637 in between Ranjeet vs Abdul Kayam Neb, in , the para No.4 of the order of the Hon'ble Supreme Court of India reads as under.

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C), No. 10351/2019)
Dated-25-02-2025

3. In an accident which took place on 13.06.2006, one 'Ramkaran' was alleged to have been hit by the bus leading to his death. An FIR was lodged wherein charge sheet was submitted against the driver of the bus. On the claim being preferred to the Motor Accident Claims Tribunal[1], **since, the eye-witnesses were not produced, the Tribunal refused to grant any compensation**. The decision of the Tribunal was upheld by the High Court.

4. **It is settled in law that once a charge sheet has been filed and the driver has been hereinafter referred to as "the Tribunal". held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eye- witnesses are not examined**, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.

5. In view of the aforesaid facts, we are of the opinion that the Tribunal and the High Court both manifestly erred in law in refusing to grant any compensation to the claimants.

The ratio (underline emphasized by me) laid down in the decision of the Hon'ble Supreme Court of India reported in reported in 2025 SCC ONLINE SC 637 in between Ranjeet vs Abdul Kayam Neb is that charge-sheet filed by the investigation officer is sufficient to prove negligent driving of the offending vehicle without examining eye-witnesses. .A perusal of the hand-sketch map annexed to the charge-sheet shown crime detail form marked at exhibit P-4 it is clear that deceased also contributed 10% for causing accident. Hence Issue No.1 is answered in partly affirmative.

10. **ISSUE NO.2 :-**The petitioners have arrayed all necessary parties hence issue No.2 answered in negative.

11. **ISSUE NO.3:-** Future prospects should not be confined only to those who have a permanent job and would extend to self-employed individuals. IT IS not restricted to permanent employees. In this regard it is beneficial to refer to the Hon'ble three Judges Bench of the Hon 'le Supreme Court of India reported in AIR 2018 SC 1347 =[2018(4) SCC 571]=[2018 AIR (SCW) 1347] =[2018 ACJ 1011] in between Jagdish vs. Mohan, (SC) the para No.10 and 11 read as under.

Civil Appeal No.2217 of 2018
(arising out of SLP (C) No.7739 of 2017),
Dated- 06-03-2018.

10]. In the judgment of the Constitution Bench in Pranay Sethi (supra), this Court has held that the benefit of future prospects should not be confined only to those who have a

<u>permanent job and would extend to self-employed individuals. In the case of a self-employed person,</u> an addition of 40 per cent of the established income should be made where the age of the victim at the time of the accident was below 40 years. Hence, in the present case, the appellant would be entitled to an enhancement of L 2400/- towards loss of future prospects.

11]. In making the computation in the present case, the court must be mindful of the fact that the appellant has suffered a serious disability in which he has suffered a loss of the use of both his hands. For a person engaged in manual activities, it requires no stretch of imagination to understand that a loss of hands is a complete deprivation of the ability to earn. Nothing - at least in the facts of this case - can restore lost hands. But the measure of compensation must reflect a genuine attempt of the law to restore the dignity of the being. Our yardsticks of compensation should not be so abysmal as to lead one to question whether our law values human life. If it does, as it must, it must provide a realistic recompense for the pain of loss and the trauma of suffering. Awards of compensation are not law's doles. In a discourse of rights, they constitute entitlements under law. Our conversations about law must shift from a paternalistic subordination of the individual to an assertion of enforceable rights as intrinsic to human dignity. The Tribunal has noted that the appellant is unable to even eat or to attend to a visit to the toilet without the assistance of an attendant. In this background, it would be a denial of justice to compute the disability at 90 per cent.

The disability is indeed total. Having regard to the age of the appellant, the Tribunal applied a multiplier of 18. In the circumstances, the compensation payable to the appellant on account of the loss of income, including future prospects, would be L 18,14,400/-. In addition to this amount, the appellant should be granted an amount of L 2 lakhs on account of pain, suffering and loss of amenities. The amount awarded by the Tribunal towards medical expenses (L98,908/-); for extra nourishment (L 25,000/-) and for attendant's expenses (L 1 lakh) is maintained. The Tribunal has declined to award any amount towards future treatment. The appellant should be allowed an amount of L 3 lakhs towards future medical expenses. The appellant is thus awarded a total sum of L 25,38,308/- by way of compensation. The appellant would be entitled to interest at the rate of 9 per cent per annum on the compensation from the date of the filing of the claim petition. The liability to pay compensation has been fastened by the Tribunal and by the High Court on the insurer, owner and driver jointly and severally which is affirmed. The amount shall be deposited before the Tribunal within a period of 6 weeks from today and shall be paid over to the appellant upon proper identification.

The ratio (underline emphasized by me) laid down by the Hon'ble three Judges Bench of the Hon 'le Supreme Court of India reported in AIR 2018 SC 1347 =[2018(4) SCC 571]=[2018 AIR (SCW) 1347] =[2018 ACJ 1011] in between Jagdish vs. Mohan, is that In the judgment of the Constitution Bench in Pranay Sethi (supra), this Court has held that the benefit of future prospects should not be confined only to those who have a permanent job and would extend to self-employed individuals.

12. In the case deceased was a self-employed person and was doing coolie work at the time of accident. In view of the law laid down in laid down by the Hon'ble three Judges Bench of the Hon 'le Supreme Court of India reported AIR 2018 SC 1347 =[2018(4) SCC 571]=[2018 AIR (SCW) 1347] =[2018 ACJ 1011] in between Jagdish vs. Mohan the future prospects can be extended deceased even if he was a self employed.

13. The deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be added where the deceased was below the age of 40 years. In this regard it is beneficial to refer to the decision of the Hon'ble Constitution Bench of the Hon'ble Supreme Court of India reported in 2017 AIR SC 5157 = [2017 ACJ 2700] in between National Insurance Company Limited vs. Pranay Sethi, (Constitution Bench) para No.61 reads as under.

Special Leave Petition (Civil) No. 25590 of 2014.
With
Special Leave Petition (Civil) No. 16735 of 2014, Civil Appeal No. 6961 of 2015, Special Leave Petition (Civil) No. 163 of 2016, Special Leave Petition (Civil) No. 3387 of 2016, Special Leave Petition (Civil) No. 7076 of 2016, Special Leave Petition (Civil) No. 32844 of 2016, Special Leave Petition (Civil) No. 16056 of 2016, Special Leave Petition (Civil) No. 22134 of 2016, Special Leave Petition (Civil) No. 24163 of 2016, Civil Appeal No. 8770 of 2016, Civil Appeal Nos. 8045-8046 of 2016, Special Leave Petition (Civil) No. 26263 of 2016, Special Leave Petition (Civil) No. 25818 of 2016, Special Leave Petition (Civil) No. 26227 of 2016, Special

Leave Petition (Civil) Nos. 29520-29521 of 2016, Special Leave Petition (Civil) No. 35679 of 2016, Special Leave Petition (Civil) No. 34237 of 2016, Special Leave Petition (Civil) No. 36072 of 2016, Special Leave Petition (Civil) No. 35371 of 2016, Special Leave Petition (Civil) No. 34395 of 2016, Special Leave Petition (Civil) No. 36027 of 2016, Special Leave Petition (Civil) No. 8306 of 2017, Special Leave Petition (Civil) No. 37617 of 2016, Special Leave Petition (Civil) No. 7241 of 2017, Civil Appeal No.12046 of 2017, Special Leave Petition (Civil) No. 17436 of 2017, Civil Appeal No. 8611 of 2017 .

Dated. 31.10.2017.

61]. In view of the aforesaid analysis, we proceed to record our conclusions:-

(i) The two-Judge Bench in Santosh Devi should have been well advised to refer the matter to a larger Bench as it was taking a different view than what has been stated in Sarla Verma, a judgment by a coordinate Bench. It is because a coordinate Bench of the same strength cannot take a contrary view than what has been held by another coordinate Bench.

(ii) As Rajesh has not taken note of the decision in Reshma Kumari, which was delivered at earlier point of time, the decision in Rajesh is not a binding precedent.

(iii) While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

(iv) **<u>In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years.</u>** An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

(v) For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 30 to 32 of Sarla Verma which we have reproduced hereinbefore.

(vi) The selection of multiplier shall be as indicated in the Table in Sarla Verma read with paragraph 42 of that judgment.

(vii) The age of the deceased should be the basis for applying the multiplier.

(viii) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.

62]. The reference is answered accordingly. Matters be placed before the appropriate Bench.

Order accordingly

The ratio (underline emphasized by me) laid down by the Hon'ble Constitution Bench of the Hon'ble Supreme Court of India reported in 2017 AIR SC 5157 = [2017 A C J 2700] =[2017 (13) SCALE 12] in between National Insurance Company Limited v. Pranay Sethi, (SC)(Constitution Bench) is that in case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. In the present case, deceased was aged 24 years as per chargesheet marked at P-3, therefore, 40% of future prospectus can be taken of income of deceased. In the present case also deceased was was aged 24 years as per charge sheet marked at exhibit P-3 and also as per post mortem report dated 13-01-2025 marked at exhibit P-6 hence 40% of the future prospectus can be taken.

14. As per dictum laid down by the Hon'ble Supreme Court of India in Sarla verma and others vs Delhi transport corporation and another where the deceased was bachelor half (1/2), where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six and where deceased was a bachelor deduction of living expenses would be half. .In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in 2009 AIR SC 3104 = [2009

SCC (6) 121] Smt. Sarla Verma vs. Delhi Transport Corporation the para No.12 and para No 13 read as under.

Civil Appeal No. 3483 of 2008
(Arising out of SLP [C] No. 8648 of 2007).
Dated-15.04.2009.

12]. We have already noticed that the personal and living expenses of the deceased should be deducted from the income, to arrive at the contribution to the dependents. No evidence need be led to show the actual expenses of the deceased. In fact, any evidence in that behalf will be wholly unverifiable and likely to be unreliable. Claimants will obviously tend to claim that the deceased was very frugal and did not have any expensive habits and was spending virtually the entire income on the family. In some cases, it may be so. No claimant would admit that the deceased was a spendthrift, even if he was one. It is also very difficult for the respondents in a claim petition to produce evidence to show that the deceased was spending a considerable part of the income on himself or that he was contributing only a small part of the income on his family. Therefore, it became necessary to standardise the deductions to be made under the head of personal and living expenses of the deceased. This lead to the practice of deducting towards personal and living expenses of the deceased, one-third of the income if the deceased was a married, **and one-half (50%) of the income if the deceased was a bachelor.** This practice was evolved out of experience, logic and convenience. In fact one-third deduction, got statutory recognition under Second Schedule to the Act, in respect of claims under Section 163A of the Motor Vehicles Act, 1988 ('MV Act' for short).

13]. But, such percentage of deduction is not an inflexible rule and offers merely a guideline. In Susamma Thomas, it was observed that in the absence of evidence, it is not unusual to deduct one-third of the gross income towards the personal living expenses of the deceased and treat the balance as the amount likely to have been spent on the members of the family/dependants. In *UPSRTC v. Trilok Chandra [1996(4) SCC 362]*, this Court held that if the number of dependents in the family of the deceased was large, in the absence of specific evidence in regard to contribution to the family, the Court may adopt the unit method for arriving at the contribution of the deceased to his family. By this method, two units is allotted to each adult and one unit is allotted to each minor, and total number of units are determined. Then the income is divided by the total number of units. The quotient is multiplied by two to arrive at the personal living expenses of the deceased. This Court gave the following illustration :

"X, male, aged about 35 years, dies in an accident. He leaves behind his widow and 3 minor children. His monthly income was Rs. 3500. First, deduct the amount spent on X every month. The rough and ready method hitherto adopted where no definite evidence was forthcoming, was to break up the family into units, taking two units for and adult and one unit for a minor. Thus X and his wire make 2+2=4 units and each minor one unit i.e. 3 units in all, totaling 7 units. Thus the share per unit works out to Rs. 3500/7 = Rs. 500 per month. It can thus be assumed that Rs. 1000 was spent on X. Since he was a working member some provision for his transport and out-of-pocket expenses has to be estimated. In the present case we estimate the out-of-pocket expense at Rs. 250. Thus the amount spent on the deceased X works out to Rs. 1250 per month per month leaving a balance of Rs. 3500-1250= Rs. 2250 per month. This amount can be taken as the monthly loss of X's dependents."

In *Fakeerappa v. Karnataka Cement Pipe Factory, 2004(2) RCR(Civil) 619 : 2004(2) SCC 473*, while considering the appropriateness of 50% deduction towards personal and living expenses of the deceased made by the High Court, this Court observed :

"What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula of universal application. It would depend upon circumstances of each case. The deceased undisputedly was a bachelor. Stand of the insurer is that after marriage, the contribution to the parents would have been lesser and, therefore, taking an overall view the Tribunal and the High Court were justified in fixing the deduction."

In view of the special features of the case, this Court however **restricted the deduction towards**

<u>personal and living expenses to one-third of the income</u>.

The ratio (underline emphasized by me) laid down by the Hon'ble Supreme Court of India reported in 2009 AIR SC 3104 = [2009 SCC (6) 121] Smt. Sarla Verma vs. Delhi Transport Corporation, (SC) is where the deceased was a bachelor and the claimants are the parents, the deduction normally, would be 1/2 (half) towards his personal and living expenses. In the present case the deceased was a bachelor hence deduction would be 1/2 (half).

15. The Hon'ble Supreme Court of India reported in AIR 2023 SC 44 in between Smt. Anjali VS Lokendra Rathod held that the Court ought to have added the increment of 10% to the conventional heads as per the dictum in Pranay Sethi 's case of the Hon'ble constitution bench of the Hon'ble Supreme Court of India every three years. In this regard it is beneficial to refer to the Hon'ble Supreme Court of India reported in AIR 2023 SC 44 in between Smt. Anjali VS Lokendra Rathod the para No.15 to para No.17 read as under.

Civil Appeal No. 9014 of 2022
(Arising out of Special
Leave Petition (Civil) No. 18808 of 2019),,
decided on 06/12/2022

15. The Tribunal erred by not making any additions to future prospects of the deceased, whereas the High Court by placing reliance on Sarla Verma (Supra) and Pranay Sethi (Supra) held that since the deceased was under 40 years of

age and was self-employed, he be entitled to addition of future prospects of 40% of his established income. We find no error in the High Court's reasoning for adding 40% of the deceased's income towards future prospects.

16. The Tribunal awarded meagre sums of Rs.10,000/- and Rs.2,000/- towards conventional heads and funeral expenses, respectively, whereas the High Court while placing reliance on Pranay Sethi (Supra) awarded Rs.70,000/- under conventional heads and Rs.10,000/- towards funeral expenses of the deceased. Although the High Court was correct in placing reliance on Pranay Sethi (Supra), the High Court erred by not granting an increment of 10% on the conventional heads in every three years as directed in the Pranay Sethi (Supra), it may be relevant to extract the following observations :-

52....The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, ***we think*** it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads."

Hence, ***we are of the opinion*** that the High Court ought to have added the increment of 10% to the conventional heads as per the dictum in Pranay Sethi (Supra).

17. A three-Judge Bench of this Court in United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur and Ors. (2021) 11 SCC 780 after considering Pranay Sethi (Supra), has awarded spousal consortium at the rate of Rs.40,000/ (Rupees forty thousand only) and towards loss of parental consortium to each child at the rate of Rs.40,000/ (Rupees forty thousand only). **The compensation under these heads also needs to be increased by 10%. Thus, the spousal consortium is awarded at Rs.44,000/ (Forty-four thousand only), and towards parental consortium at the rate of Rs.44,000/ each (Total Rs.1,32,000/) is awarded to the three children.**

The ratio laid down by the the Hon'ble Supreme Court of India reported in AIR 2023 SC 44 in between Smt. Anjali VS Lokendra Rathod is that the Court ought to have added the increment of 10% to the conventional heads as per the dictum in Pranay Sethi ‘s case and the spousal consortium is to be awarded at Rs.48,000/ (Forty-eight thousand only), and towards parental consortium is to be at the rate of Rs.48,000/ each as the accident taken place in the year 2025. In the present case the parents of the deceased who the petitioner No.1 and 2 are entitled for 48,000-00 each towards filial consortium.

16. In the present case the deceased was 24 years of age at the time of his death as pe chargesheet marked at exhibit P-3 and postmortem report dated-13-01-2025 marked at exhibit P-6. In view of law laid down by the Hon'ble Supreme Court of India reported in 2009 AIR SC 3104 = [2009 SCC (6) 121] Smt. Sarla Verma vs. Delhi Transport Corporation, for age group of 15 to 25 years, multiplier of 18, hence the proper multiplier would be 18.

17. In view of laid down by the Hon'ble Constitution Bench of the Hon'ble Supreme Court of India reported in 2017 AIR SC 5157 = [2017 ACJ 2700] =[2017 (13) SCALE 12] in between National Insurance Company Limited vs. Pranay Sethi, (SC)(Constitution Bench) and also the Hon'ble Supreme Court of India reported in AIR 2023 SC 44 in between Smt. Anjali VS Lokendra Rathod is that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be 84,000 totally .

18. In the absence of income proof, the notional income as per the notional income chart fixed by the Karnataka State Legal Services Authority shall be taken . In this regard it is beneficial to refer to the decision of the Hon'ble High Court of Karnataka (KALABURAGI BENCH) reported in AIRONLINE 2022 KAR 921 (DB) in between Managing Director NEKRTC, Sarige Sadan, Central Office, Kalaburagi. VS Rachamma Subash Jaishetty Since Deceased By Her LR's the para No.13 reads as under.

Miscellaneous First Appeal - 201591 of 2021,
Dated-08/12/2022

> 13. It is not in dispute that Smt. Rachamma met with an accident on 11.04.2018 and sustained grievous injuries and she succumbed to the injuries. The legal representatives filed a claim petition contending that the deceased was aged about 60 years at the time of accident and was doing agriculture and getting income of Rs.9,000/- per month. In order to substantiate the contention of the petitioners, the petitioners have not produced any income proof of the deceased Rachamma**. In the absence of income proof, the Tribunal, taking into consideration the notional income of the year 2018, as per the chart fixed by the Karnataka State Legal Services Authority** and also considering the age of deceased Rachamma has considered the notional income of the deceased as Rs.9,000/- per month and further considering the age of the deceased as 65 years, awarded a compensation under the head of loss of dependency at Rs.6,04,800/- and also awarded compensation under the head of loss of

> consortium and loss of estate and funeral expenses and medical expenses and nursing charges. The petitioners have not placed any material to show the income of the deceased. On the contrary, the petitioners themselves have admitted that deceased Rachamma was getting income of Rs.9,000/- per month. Considering the admission of the petitioners, the Tribunal was justified in considering the notional income of the deceased Rachamma at Rs.9,000/- p.m. Hence, in view of the above discussion, the petitioners have not made out any ground for enhancement of compensation.
>
> Accordingly, we answer point No.1 in negative.

The ratio (Under line emphasized by me) the Hon'ble High Court of Karnataka (KALABURAGI BENCH) reported in AIRONLINE 2022 KAR 921 (DB) in between Managing Director NEKRTC, Sarige Sadan, Central Offices, Kalaburagi VS Rachamma Subash Jaishetty Since Deceased By Her LR's is that In the absence of income proof, the notional income as per the chart fixed by the Karnataka State Legal Services Authority shall be taken.

19. There is no material to show the exact income of deceased. In view of law laid down by the the Hon'ble High Court of Karnataka (KALABURAGI BENCH) reported in AIRONLINE 2022 KAR 921 (DB) in between Managing Director NEKRTC, Sarige Sadan, Central Offices, Kalaburagi VS Rachamma Subash Jaishetty this court would have to rely on notional income for the year 2022 fixed by the KSLSA vide direction letter dated 26-02-2022 at Bangalore .

20. Admittedly the accident took place in the year of 2025. The notional income for the year 2022 fixed by the KSLSA vide direction letter dated 26-02-2022 at Bangalore is Rs.13.750/- for the districts coming under the jurisdiction of the Hon'ble High Court of Karnataka, (KALABURGI), Bench. But accident taken place during the year 2025. It is just and proper to add 500/- each from 2022 to 2025 years towards notional income to already fixed amount of Rs.14,750-00, which comes to Rs.16,250=00

Rs.16,250 x 40
100 = Rs.6,500/- (40% future prospects added)

Rs.16,250/-
+Rs. 6,500/- = (40% after adding future prospects)
Rs.22,750/-

Rs.22,750/-
2 = Rs.11,375/- (½ deduction towards personal expenses)

Rs.11,375 x 12 x 18 = Rs.24,57,000/-

Rs.24,57,000 x 10
100 = 2,45,700/- (10 deducted towards contributory negligence)

Rs.24,57,000/-
-Rs. 2,45,700/-
Rs.22,11,300/- (after deducting 10% deducted towards contributory negligence)

01.	Loss of dependency of petitioners	Rs.22,11,300-00
02.	Filial consortium	Rs.88,000-00
03.	Loss of estate, loss of consortium & funeral expenses, love and affection 20% increase	Rs.84,000-00
	Total	**Rs.23,83,300-00**

22. This court opined that the claimants entitled for 6% interest on the compensation amount Rs. 23,83,300-00 to be awarded. Hence, issue No.3 answered in Partly affirmative.

23. **<u>ISSUE NO. 4:-</u>** In view of the findings on issues No.1 to 3, I proceed to pass the following order:-

<u>: O R D E R:</u>

The petition filed under Section 166 of the Indian Motor Vehicle Act is partly allowed in following terms:-

The respondent No.2 is directed to pay sum of **Rs.23,83,300/- (Twenty Three Lakhs Eighty Three Thousand Three Hundred only)** to the petitioners with interest at the rate of 6% per annum from the date of petition till realization.

The respondent No.2 is liable to pay the compensation amount and he is directed to deposit the compensation amount with in 30 days from the date of this Judgment to this tribunal.

The petitioner No.1 and 2 are entitled for 50% each in the compensation amount.

Entire compensation amount with proportionate interest shall be disbursed to the petitioner No.1 and 2 by preparing K-II bill on her proper identification.

Advocate fee fixed at Rs.1000/- only

Draw award accordingly.

(Dictated to the Stenographer directly on computer, computerized by him and corrected and then pronounced by me in the open court on 2nd day of June 2026)

(Lakshmikant Janakiram Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur.

<u>A N N E X U R E</u>

I) <u>Witnesses examined on behalf of Petitioner</u>.

Pw-1	:	Venu

II) <u>Documents exhibited on behalf of Petitioner</u>:

Ex.P1	:	Certified copy of FIR
Ex.P2	:	Certified copy of Complaint
Ex.P3	:	Certified copy of Charge sheet
Ex.P4	:	Certified copy of Spot panchanama
Ex.P5	:	Certified copy of Inquest panchanama
Ex.P6	:	Certified copies of PM report
Ex.P7	:	Certified copy of IMV report

III) <u>Witnesses examined on behalf of Respondents</u>:

Rw-1	:	Maheboob

IV) Documents exhibited on behalf of Respondents:

--- NIL ---

(Lakshmikant Janakiram Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur.