KARC500003622024

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. 152/2024

Dated: 01st day of July 2026

Petitioner: - 1) Smt. G. Gouthami W/o G. Bhaskara Rao
Age: 44 years, Occ: Household
R/o Gorebal camp,
Tq. Sindhanur, Dist. Raichur.

2) G. Bhaskara Rao S/o G. Venkata Rao
Age: years, Occ: Household
R/o Gorebal camp, Tq. Sindhanur
dist. Raichur.

(Represented by: Sri. SSK. Advocate)

-Versus-

Respondents: - 1) Bajarang Naganath Kadalskar S/o Naganath Kadalskar
Age: 22 years, Occ: Driver , R/o Mangalvada,
Solhapur city, Tq. Solhapur, Dist. Solapur,
Maharashtra

2) The Branch Manager,
ICICI Lombard, Nibhaya Vaade Insurance
Co., Ltd., Branch: Jai Sriram Building, 2nd floor
Parvathi Nagar, Main road, next to Airtel building
Bellari-583101.

3) Somanath Naganath Kadlaskar S/o Naganath Kadlaskar
Age: 25 years, Occ: Not known,
R/o AP- Dahwadi, Tal Mangal, Wedha,
Solhapur city, Tq. & Dist. Solhapur

Maharastra-413305

(R1 & 3 by: Sri.MDJ Advocate)
(R2 by: Sri.SNM Advocate)
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~:: <u>JUDGMENT</u> ::~

This petition filed under Section 166 of Motor Vehicle Act claiming compensation from the respondents, in connection with the Road Traffic Accident dated 14.12.2023.

2. **<u>The brief facts of the petition:-</u>**

On 14-12-2023, at about 06:00 PM deceased G Sharath i.e., son of claimants and his friend by name E Naveen S/o E Gopi, together went on the motor cycle bearing regd No: KA36K7099 i.e., Hero Splendor, to Sindhanur from Gorebal Camp so as to purchase the medicine. Thereafter at about 06:30 PM one M Suresh S/o: Veeraraju of Gorebal Camp called applicant No: 2 herein through cell phone and informed that at about 06:20 PM in front of Punjabi Dhaba nearby EJ Hosalli Camp accident was taken place in between lorry and motor cycle and said G Sharath died on spot and said E Naveen sustained grievous injuries. Immediately applicant No: 2 rushed to the spot along with his son-in-law by name N Subbarao S/o Dharmarao, age: 50 years, after having came therein found dead body of G Sharath. Wherein the applicant No: 2 found the dead body of his son G Sharath who died due to grievous head injury, on neck and shoulder. The said E Naveen also sustained grievous injury on his right hand and bone was fractured. On enquiry, the said M Suresh informed that he was also coming to Sindhanur behind deceased's motor cycle for his personal work on his motor cycle, the said G

Sharath and E Naveen were proceeding on their left side slowly. At that time respondent No: 1 drove his lorry in a high speed and in rash and negligent manner so as to cause endanger to human life, from Gangavathi side towards Sindhanur, being unable to control his lorry dashed to the motor cycle of G Sharath. As a result, both of them fell down on the road. In the said accident, the front tire of the said lorry passed on the head of G Sharath and on the right hand of said E Naveen. Thereafter, respondent No: 1 stopped his lorry. Then he saw the injured persons having stopped his vehicle wherein he found the said G Sharath died on spot. This is the information given by said M Suresh S/o Veeraraju to the applicant No: 2. Thereafter the applicant seen the said lorry, its regd No: MH13DQ4600. On enquiry of respondent No: 1, he disclosed his name and his address as mentioned in the cause title. In the meantime, someone passenger informed to 108 ambulance, as such the ambulance came to spot through which the said Naveen has been shifted to Government Medical Hospital Sindhanur. Thereafter, applicant No: 2 having hired a private ambulance of Shanti Hospital, shifted the dead body of G Sharath to Mortuary, Government Hospital Sindhanur. The respondent No: 1 drove his vehicle in a rash and negligent manner endangering human lives. As a result of same son of claimants succumbed due to above said injuries. Prior to the incident, the deceased was hale and healthy, young and energetic and he was intelligent student having scored 78.08% in SSLC examination, he secured 436 marks out of 600 in second PUC in science examination thereby he secured Ist Class, thereafter he secured B-grade in Ist semester of B Pharmacy, C-Grade in IInd and IIIrd semester of B Pharmacy, B-Grade in IV & V semester of B Pharmacy, C-Grade in VIth semester, B-Grade in VII semester and secured Ist Class in 8th semester of B Pharmacy. In this manner the deceased successfully completed the said degree. He was having bright future. He could be able to earn Rs 50,000-00 per month. Deceased was the pillar to the family as he is the only one issue to his parents. Hence, respondents are liable to pay compensation of Rs.2,32,50,000/-. With these averments the petitioners pray for allow the above petition.

3. In pursuance of notice, the respondent No.1 to 3 have appeared through their counsel. The respondent No.2 and 3 have filed written statement.

4. **<u>The case of the respondent No.2 in brief:-</u>**

This petition is not maintainable either in law or on facts. It is denied petition averments about accident, rash and negligent driving, injuries to the petitioner, medical expenses, loss of income etc., The rider of the offending vehicle did not posses valid and effective driving license at the time of alleged accident. There is a breach of terms and conditions of the policy. For that the respondent is not liable to pay the compensation to the petitioner. On these grounds the respondent No.2 prayed for dismissal of this petition.

5. **<u>The case of the respondent No.3 in brief:-</u>**

This respondent submitted that at the out set the petition filed by the petitioners against respondents on the face of it is bad in law, opposed to the facts, misconceived and not maintainable in law and on facts and therefore same is liable to be dismissed. What is not expressly admitted by the respondent No. 1 & 3 shall be deemed to have been denied by them. The respondent No. 3 is the owner and possessor of Lorry bearing regn No. MH-13/DQ-4600 and this vehicle of the respondent No. 3 is insured with respondent No. 3 and the insurance is in force on the date of alleged accident. The complaint filed by complainant about the manner of accident are totally false. On the date of accident, the respondent No. I was driving his lorry much infront of the vehicle of the injured. The respondent absolutely has no knowledge about the accident of vehicle of the insured in question and that being so, neither the respondent NO. I nor other respondents are not liable to answer the claim of the injured petitioner. This respondent absolutely has no knowledge as to how the vehicle of the injured met with accident and who has caused the accident. With all this the Police have illegally registered case against the respondents and their vehicle to side the petitioner. The respondents herein are totally unconcerned to the incident in question and are not responsible for the accident and claim of the petitioner in any manner whatsoever. The particulars of the injured as shown in the claim petition are not at all within the knowledge of the respondents and as such same are denied by this respondent. The petitioner being injured himself does not know who had hit to his vehicle and the caused the accident. The petitioner in collusion with police has managed to make the respondents herein as parties to the claim petition to make wrongful gain. The statement in the complaint and that of the petition are contrary to each other and on this sole count the petition is liable to be dismissed. The quantum of compensation as claimed by the petitioner is totally high, exhorbitant, excessive compared to the avocation and earnings of the injured and respondents herein are not responsible to pay the same. The petitioners has not filed the driving licence, RC and IC of the vehicle of this respondent. The contents of the petition about the particulars of the petitioner and about the manner of accident, his avocation and income are all false, baseless and hence same are denied. The petitioner is called upon to put to strict proof of the same. On these grounds the respondent No.3 prayed for dismissal of this petition.

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

ISSUES

1. Whether petitioner proves that late G. Sharath S/o G. Bhaskara Rao succumbed due to actionable negligent driving of the lorry bearing No.MH-13/DQ-4600 taken place on 14.12.2023 at about 6.20 PM opposite Punjab Daba, Gangavathi road, Sindhanur, Tq. Sindhanur?

2. Whether the respondent No.2 proves that the respondent No.1 violated the terms and conditions of the insurance policy?

3. Whether the respondent No.2 proves that the driver of the lorry and rider of motorcycle i.e., deceased was not having valid driving license and accident occurred due to pure negligence of them?

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

5. Whether the petitioners are entitled for compensation claimed? If so, what quantum?

6. What orders or award?

7. In proof of the above issues the petitioner No.2 himself examined as PW1 and all documents got marked as ExP1 to Ex.P21 and closed his side evidence. The Legal Manager of respondent No.2 company examined as RW1 and document got marked as Ex.R1 and Ex.R2 and case is posted for arguments.

8. I have heard arguments on both sides. My findings on the above issues are as follows:-

ISSUE NO.1 :	In the Affirmative
ISSUE NO.2 :	In the Negative
ISSUE NO.3 :	In the Negative
ISSUE NO.4 :	In the Affirmative
ISSUE NO.5 :	In the Partly Affirmative
ISSUE NO.6 :	As per final order for the following.

~:: REASONS ::~

9. **ISSUE NO.1** :- 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 - sheet marked at exhibit P-3 make it clear that, the investigation officer after making a thorough investigation has filed it . Thus in the considered opinion of this court, charge - sheet marked at exhibit P-3 is a prima facie proof of negligence on the part of the deceased driver of the offending north-east Karnataka road transport corporation bus . It is to be noted that the investigation officer in a case files charge - sheet marked at exhibit P-3 after scientific investigation from all angles. Thus in the considered opinion of this court, charge - sheet marked at exhibit P-3 is a prima facie proof of negligence of the deceased 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. **<u>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.</u>**

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 marked at exhibit P-3 filed it against the driver of the offending vehicle that he is solely negligence for causing the accident leading to the death of the deceased.

10. 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 497 in between Ranjeet vs Abdul Kayam Neb, in para No.3 and 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 497 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. More ever the petitioner herself is a witness to the accident as he has been hit by the offending vehicle. Thus there is nothing to disbelive the version the petitioner that the offending vehicle is alone is responsible for causing accident.

11. A perusal of the P-3 charge-sheet marked at exhibit P-3 make it clear that the driver of the offending vehicle hit the bike being ridden by the deceased from behind while the deceased was on his bike on Gangavati-Sindhanoor road. If the the driver of the offending vehicle who causes accident trying to overtake the vehicle of the deceased and hit from behind, the driver of the vehicle who hit the another vehicle from behind is solely responsible for causing accident. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in 2011 AIR SC 2436 = [2011 (6) scc 425] = 2011 ACJ 1677] = [2011 AIR SCW 3625 IN BETWEEN Jawahar Singh vs. Bala Jain, para No.11 reads as under.

S.L.P. (Civil) 8660 of 2011
With
S.L.P. (C) Nos. 864 to 865 of 2010.
Dated . 09.05.2011

11]. We cannot shut our eyes to the fact that it was Jatin, who came from behind on the motorcycle and hit the scooter of the deceased from behind. The responsibility in causing the accident was, therefore, found to be solely that of Jatin. However, since Jatin was a minor and it was the responsibility of the Petitioner to ensure that his motorcycle was not misused and that too by a minor who had no license to drive the same, the Motor Accident Claims Tribunal quite rightly saddled the liability for payment of compensation on the Petitioner and, accordingly, directed the Insurance Company to pay the awarded amount to the awardees and, thereafter, to recover the same from the Petitioner. The said question has been duly considered by the Tribunal and was correctly decided. The High Court rightly chose not to interfere with the same.

The ratio (underline emphasized by me) laid down by to refer to the decision of the Hon'ble Supreme Court of India reported in 2011 AIR SC 2436 = [2011 (6) scc 425] = 2011 ACJ 1677] = [2011 AIR SCW 3625 IN BETWEEN Jawahar Singh vs. Bala Jain is that that it was rider of the motor bike who came from behind on the motorcycle and hit the scooter of the deceased from behind the responsibility in causing the accident was, found to be solely that of the motor cycle rider who came from behind.

12. In the present case also the the the driver of the offending vehicle hit the motor bike of the deceased from behind alone is responsible for causing accident. In view of law laid down by to refer to the decision of the Hon'ble Supreme Court of India reported in 2011 AIR SC 2436 = [2011 (6) scc 425] = 2011 ACJ 1677] = [2011 AIR SCW 3625 IN BETWEEN Jawahar Singh vs. Bala Jain it is the the driver of the offending vehicle who hit from behind to the bike alone responsible for causing accident. Hence issue No.1 is answered in affirmative.

13. **ISSUE NO. 2 AND 3:-** It is the specific defense of the Respondent Insurance company that the driver of the offending vehicle did not possess driving license hence there is a breach of policy. Therefore the petition is not maintainable. But a perusal of the charge-sheet make it clear that IO did not file charge-sheet for violating 3 R/W Section 181 of the Motor Vehicles Act, 1988 for driving the offending vehicle without driving license for driving vehicles in

contravention of section 3 or section 4 of the said Motor Vehicles Act, 1988 rider of the the offending bike. If at there rider of the offending bike did not possess the DL, the IO would have filed charge-sheet for violating 3 R/W Section 181 of the Motor Vehicles Act, 1988 the IO would have filed the charge-sheet against the driver of the offending vehicle . The entire burden of proving driving license is on the Respondent Insurance company and not on the claimants. In this regard it is beneficial to refer to the decision of the Hon'ble High Court of Karnataka (DHARWAD BENCH) reported in 2011 ACJ 1464 in between Shivarama Parameshwara Hegde vs. Subray Honnappa Naik para No.14 and para No15 read as under.

M.F.A. No. 2623 of 2004 (MV);
Dated-01.04.2009

14]. The endorsement we have referred above spells out clearly that permanent licence issued was valid from 28.1.2000 to 27.1.2020 and it is undoubtedly issued to the claimant much prior to the occurrence of the accident in this case. This document also substantiates undoubtedly that the respondent No. 1 is authorized to drive transport vehicle up to 5.1.2004. This is only a condition on which license with a validity from28.1.2000 to 27.1.2020 is issued, which means that the respondent No. 1 was duly authorised to drive a transport vehicle for the period indicated above. The accident in this case has occurred on 31.12.2000 which is certainly after the issuance of the driving licence to respondent No. 1. Therefore, the contention of the insurer that 6.1.2001 should be taken as the date to reckon the validity of licence is untenable and we reject the same.

> 15]. We also reject the contention of the insurer that as per the regulations of the Motor Vehicles Act, licences are issued initially for a period of three years, after which the licence expires. This is because the insurance company has on its own produced Exh. R3 in its evidence for placing reliance on it. It is, therefore, bound by the documentary evidence which it has produced**. Since the same is not brought into question and as no official from the Motor Vehicles Department has been examined by the insurance company to elicit as to whether suchan issuance is legally permissible or not, we reject the arguments to the contrary advanced in this case and hold that there was a valid driving** licence possessed by respondent No. 1 effective as on the date of accident, i.e., 31.12.2000. This point is, therefore, answered in favour of the appellant and against the insurer.

The ratio (underline emphasized by me) laid down by the Hon'ble High Court of Karnataka (DHARWAD BENCH) reported in 2011 ACJ 1464 in between Shivarama Parameshwara Hegde vs. Subray Honnappa Naik is that where in it is held that, in order prove that the driver of the vehicle did not possess the driving lisence the the Respondent Insurance Company has to examine RTO official to substantiate its defense of not posssessing the driving license. Thus self serving statements of the Respondent Insurance company that the driver of the offending vehicle did not possess the driving license without any concrete documentary evidence from the jurisdictional RTO office cannot be accepted as proving of possessing of driving license is on the Respondent Insurance company and not on the petitioners. Hence issue No.2 and 3 are answered in negative.

14. **ISSUE NO.4-** In the present case petitioner has impleaded necessary parties to the petition. Hence Issue No.4 answered in negative.

15. **ISSUE NO.5:-** As per marks cards and other educational certificates on record it is clear that the deceased was a final year student of B.pharmacy, at AL-Ameen college of pharmacy, near Lalbagh main gate, Hosur road Bangalore-27. It is made clear by this court that there is growing importance of the nursing profession in India and abroad. In recent years, the demand for trained nursing staff has increased tremendously due to the expansion of healthcare services, population growth, rising health awareness, and advances in medical technology. Nursing has emerged as one of the most respected and rewarding professions, offering excellent employment opportunities in both government and private sectors. This court would take judicial notice of the fact that many of the nursing graduates especially from Kerala state go abroad especially Dubai to discharge their nursing duties there.

16. It is made clear by this court that the health-care sector is expanding rapidly across the world. Hospitals, clinics, nursing homes, rehabilitation centers, community health programs, and home health-care services all require qualified nurses. India, with its large population and growing health-care infrastructure, faces a continuous need for trained nursing professionals. Similarly, developed countries such as the United States, the United Kingdom, Canada, Australia, and

Gulf nations experience shortages of nursing staff and actively recruit qualified nurses from from India

17. It is made clear by this court that the aging population in many countries has further increased the demand for healthcare services. Elderly patients require long-term care and medical attention, creating more employment opportunities for nurses. In addition, public health emergencies and pandemics have demonstrated the crucial role played by nursing professionals in maintaining healthcare systems. It is made clear by this court that the government sector offers numerous opportunities for nursing graduates. Nurses can work in Government hospitals, Primary Health Centres (PHCs), Community Health Centres (CHCs), Military and defense medical services, Railways hospitals, Public health departments, Educational institutions as nursing tutors . It is made clear by this court that the Government jobs provide attractive salaries, job security, pension benefits, medical facilities, housing allowances, and opportunities for promotion. Recruitment is conducted through various state and central government examinations.

18. Similarly the private healthcare sector has expanded significantly in India. It is made clear by this court that the large corporate hospitals, specialty clinics, diagnostic centers, and nursing homes require skilled nurses. It is made clear by this court that the private institutions often provide competitive salaries performance incentives modern working environments specialized training faster career advancement

19. It is made clear by this court that experienced nurses can become nursing supervisors, ward managers, administrators, or health-care consultants. Private hospitals also encourage specialization in areas such as intensive care, cardiology, oncology, pediatrics, and emergency medicine.

20. It is made clear by this court that Indian nurses are highly regarded internationally for their skills, dedication, and professional competence. It is made clear by this court that many countries actively recruit only Indian nursing professionals due to shortages in their health-care workforce. Working abroad offers higher salaries, better living standards, international exposure, advanced training opportunities, career growth and specialization

21. One of the major attractions of the nursing profession is its earning potential. Newly recruited nurses receive respectable salaries, while experienced nurses earn substantially more. Additional benefits may include overtime pay, shift allowances, accommodation facilities, health insurance, and retirement benefits. It is made clear by this court that Nurses working abroad often earn several times more than their counterparts in India.

22. Apart from financial benefits, nursing is a noble profession dedicated to serving humanity. Nurses provide care, comfort, and emotional support to patients during difficult times. Their contribution to society is invaluable, making nursing a highly respected career. The profession offers immense personal satisfaction as nurses play a direct role in saving lives and improving the well-being of individuals and communities.

23. It is made clear by this court that, the demand for trained nursing staff is increasing rapidly in India and across the world especially in Dubai. The profession offers excellent career prospects in both government and private sectors, along with attractive salaries, job security, and opportunities for international employment. With growing health-care needs and continuous expansion of medical services, nursing promises a bright and secure future for young recruits while allowing them to make a meaningful contribution to society. In this regard it is beneficial to refer to the un-reported decision of the Hon'ble High Court of Punjab and Haryana in FAO-1660 of 2018 (O&M). Dated-23.02.2023, in between Raj Kumar vs. Vikas Chaudhary the para No.7 and para No.8 read as under.

FAO-1660 of 2018 (O&M).
Dated-23.02.2023.

2. **Deceased Chhaya, died in a motor vehicular accident dated 13.11.2016** caused by respondent No.1-driver while driving the offending vehicle bearing registration No.DL-8C-AC-7029, in a rash and negligent manner.

4. Learned counsel for the claimants urged the Tribunal determined the notional income of the deceased at Rs.10,000/- per month. The Tribunal, however, failed to take into consideration **the age of deceased, that was 23 years and that she was a final year student of B.Sc. (Honours) Nursing, in Raj Kumari Amrit Kaur College of Nursing, University of Delhi**. Even an entry level staff nurse in a Govt, college or in a public sector corporation, if recruited, would get a salary

between Rs.38,000/- to Rs.45,000/- per month. A B.Sc./M.Sc. Nursing graduate employed either as a nursing tutor or instructor in a nursing college or a school gets approximately a salary Rs.20,000/- to Rs.25,000/- per month. Therefore, on completion of the course, the deceased would have got a salary not less than Rs.20,000/- to Rs.25,000/- per month. To support his arguments, he referred to authority 'S.Saraswathv and another v. A. Elumalai', 2017 ACJ 1036 and 'Ashvinbhai Javantilal Modi v. Ramkaran Ramchandra Sharma and another'. 2014 (4) RCR (Civil) 543. Learned counsel by placing reliance on 'Kirti and another v. Oriental Insurance Company Limited', 2021 (1) RCR (Civil) 478 urged that future prospects may also be granted on the notional income. Further by referring to the judgments National Insurance Company Limited, v. Pranav Sethi and others' (2017) 16 SCC 680. N. Jayasree and Ors. v. Cholamandlam MS General Ins. Co. Ltd. 2021 ACJ 2685 and 'Magma General Insurance Company Limited v. Nanu Ram (a) Chuhru Ram and others' (2018) 18 SCC 130 urged for grant of conventional heads as per the principles laid there in, and prayed to reassess the compensation.

7. In the authority titled 'S.Saraswathy and another v. A. Elumalai'. 2017 ACJ 1036. the deceased was a final year Engineering student, who had met with fatal accident on 05.11.2021 and notional income of the deceased was taken at Rs.20,000/- p.m. by the Madras High Court. In 'Ashvinbhai Jayantilal Modi v. Ramkaran Ramchandra Sharma and another', 2014 (4)

RCR (Civil) 543 (SC). the deceased was a young boy aged 19 years and was a student of Medicine, who died in a motor vehicular accident on 12.07.2002. His notional income was determined at Rs.25,000/-per month. In 'Basanti Devi and Anr. v. Divisional Manager, The New India Assurance Company Ltd. and Ors'. 2022 (1) RCR (Civil) 516 held that if no supporting evidence for actual income coming, potentiality to earn can be considered. In aforesaid case deceased was a bachelor of engineering in computer technology, his income was taken at Rs 20,000 p.m.

8. **It cannot be denied that in present times, there is an enormous demand for trained nursing staff in India and in abroad**. **Undisputedly, there is a bright future in Govt, as well as in the private sector for nursing staff and young recruits get handsome income/salaries** after completing their professional course. This Court is of the opinion that the Tribunal has erred in taking the notional income of the deceased at Rs.10,000/- per month by disregarding inflation and the tremendous increase in demand for health care staff, including trained nurses; their salaries are also on the rise. **Thus, the notional income of the deceased is taken at Rs.20,000/- per month**.

The ratio [underline emphasized by me] laid down by un-reported decision of the Hon'ble High Court of Punjab and Haryana in FAO-1660 of 2018 (O&M). Dated-23.02.2023, in between Raj Kumar vs. Vikas Chaudhary that there is an enormous demand for trained nursing staff in India and in abroad as there is a bright future in Govt, as well as in the private sector for nursing staff and young recruits get handsome salaries thus notional income of the deceased shall be taken at Rs.20,000=00 for the accident taken place during the year 2016.

24. As per marks cards and other educational certificates on record it is clear that the deceased was a final year student of B.pharmacy, at AL-Ameen college of pharmacy, near Lalbagh main gate, Hosur road Bangalore-27. But in the present case the accident is of the year 2023 . On the contrary, the the Hon'ble High Court of Punjab and Haryana in FAO-1660 of 2018 (O&M). Dated-23.02.2023, in between Raj Kumar vs. Vikas Chaudhary has taken 20,000-00 as notional income for the accident taken place during the year 2016. Thus in view of law laid down by the Hon'ble High Court of Punjab and Haryana in FAO-1660 of 2018 (O&M). Dated-23.02.2023, in between Raj Kumar vs. Vikas Chaudhary notional income of deceased Sharath Garapati of 20,000-00 can be taken.

25. 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]. <u>In the judgment of the Constitution Bench in Pranay Sethi (supra), this Court has held that the benefit of future prospects</u>

should not be confined only to those who have a permanent job and would extend to self-employed individuals. In the case of a self-employed person, 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.

26. 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.

27. 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) **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.** 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, it should be regarded as the necessary method of computation.

28. In the present case, deceased was aged 23 years as per post-mortem report dated 15-12-2023 marked at exhibit P-10. In view of law 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] in between National Insurance Company Limited v. Pranay Sethi, in the present case also 40% future prospects can be taken.

29. Deduction towards personal and living expenses of the deceased, one-half (50%) of the income if the deceased was a bachelor. 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). It should 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, (SC) 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, **<u>and one-half (50%) of the income if</u>**

<u>the deceased was a bachelor.</u> 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 <u>163A</u> 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 **<u>restricted the deduction towards 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 50% towards his personal and living expenses. In the present case the deceased was a bachelor hence deduction would be 50%.

30. Where a parent has lost their minor child, or unmarried son or aughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Spousal consortium is defined as rights pertaining to the relationship of a husband-wife. In case of loss of spouse either husband or wife entitled for spousal consortium. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in (2018) 18 SCC 130 =[2018 SCC ONLINE SC 1546] in between magma general insurance company limited *vs* nanu ram ALIAS CHUHRU RAM and others the para No.20 to 24 reads as under.

Civil Appeal No. 9581 of 2018[‡],
Dated-18-09- 2018

> **20.** MACT as well as the High Court have not awarded any compensation with respect to loss of consortium and loss of estate, which are the other conventional heads under which compensation is awarded in the event of death,

as recognised by the Constitution Bench in *Pranay Sethi* . The Motor Vehicles Act is a beneficial and welfare legislation. The Court is duty-bound and entitled to award "just compensation", irrespective of whether any plea in that behalf was raised by the claimant. In exercise of our power under Article 142, and in the interests of justice, we deem it appropriate to award an amount of Rs 15,000 towards loss of estate to Respondents 1 and 2.

21. A Constitution Bench of this Court in *Pranay Sethi*[2] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse : [4]

21.1. **Spousal consortium is generally defined as rights pertaining to the relationship of a husband-wife** which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".[5]

21.2. Parental consortium is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".

21.3. **<u>Filial consortium is the right of the parents to compensation in the case of an accidental death of a child</u>**. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognized that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims**<u>. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium.</u>** Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this

> count[6]. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.
>
> **24.** The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in *Pranay Sethi*[2]. In the present case, we deem it appropriate to award the father and the sister of the deceased, **<u>an amount of Rs 40,000 each for loss of filial consortium.</u>**

The ratio (underline emphasized by me) laid down the Hon'ble Supreme Court of India reported in the Hon'ble Supreme Court of India reported in (2018) 18 SCC 130 =[2018 SCC ONLINE SC 1546] in between magma general insurance company limited vs nanu ram ALIAS CHUHRU RAM and others is that in _case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. In the present case parents lost their earning son. Hence parents are entitled for filial consortium.

31. 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 . 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 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.44,000/ (Forty-four thousand only), and towards parental consortium is to be at the rate of Rs.44,000/ each.

32. 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 as the accident is of the year 2023.

33. In the present case the deceased was 24 years of age at the time of his death as per post-mortem report dated-15-12-2023 marked at exhibit P-10 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.

34. 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] in between National Insurance Company Limited vs. Pranay Sethi, (SC) (Constitution Bench) is 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/- totally Rs.70,000-00 respectively. But in view of law 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. Since the accident is of the year 20223, 20% increment can be made .

Rs.20,000 x 40
100 = Rs.8,000/- (40% future prospects added)

Rs.20,000/-
+Rs. 8,000/-
Rs.28,000/- (40% future prospects added)

Rs.20,000
2 =Rs.14,000/- (½ deduction towards personal expenses)

Rs.14,000 x 12 x 18 = Rs.30,04,000/-

01.	Loss of dependency of petitioners	Rs.30,04,000-00
02.	Filial consortium with 20% increment	Rs.88,000-00
03.	Loss of estate, loss of consortium & funeral expenses, love and affection	Rs.84,000-00
	Total	**Rs.32,04,000-00**

35. This court opined that the claimants entitled for 6% interest on the compensation amount **Rs.32,04,000/-** to be awarded. Hence Issue No.5 answered in Partly affirmative.

36. **<u>ISSUE NO.6:-</u>** In view of the findings on issues , 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 petitioners are awarded with the compensation of **Rs. 32,04,000/- (Rupees Thirty Two Lakhs Four Thousand only)** to the petitioners with interest at the rate of 6% per annum from the date of petition till realization.

The respondent No.2 liable to pay compensation amount and he 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 01st day of July 2026)

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

A N N E X U R E

I) Witnesses examined on behalf of Petitioner.

PW-1 : G. Bhaskara Rao

II) Documents exhibited on behalf of Petitioner:

Ex.P1	:	Certified copy of Charge sheet
Ex.P2	:	Certificate copy of FIR
Ex.P3	:	Certified copy of Complaint
Ex.P4	:	Certified copy of Inquest panchanama
Ex.P5	:	Certified copy of Spot panchanama
Ex.P6	:	Certified copy of Vehicle seizer panchanama
Ex.P7	:	Certified copies of 7 statements
Ex.P8	:	Certificate under Sec.65B
Ex.P9	:	Certified copy of IMV report
Ex.P10	:	Certified copy of PM report
Ex.P11	:	Certified copy of RFSL report
Ex.P12	:	Certified copy of Wound certificate
Ex.P13	:	Certified copy of Medical report
Ex.P14	:	Original SSLC Marks card
Ex.P15	:	Original PUC Marks card

Ex.P16	:	8 Original B Pharmacy Marks cards
Ex.P17	:	Certificate of Bachelor of Pharmacy
Ex.P18	:	Sports certificate
Ex.P19	:	Recognition certificate
Ex.P20	:	2 Appreciation certificate
Ex.P21	:	Original driving license

III) **Witnesses examined on behalf of Respondents**:

RW1	:	Puneet V Hegade

IV) **Documents exhibited on behalf of Respondents:**

Ex.R1	:	Authorization letter
Ex.R2	:	Insurance policy

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

Digitally signed by LAKSHMIKANTH J MISKIN
Location: Senior Civil Judge and JMFC Sindhanur