



**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. 532/2024

Dated: 01st day of July 2026

Petitioner: -

- 1) Khansab S/o Balesab
Age: 57 years, Occ: Nil, R/o Ward No.22
Pinjar Oni, Mudugal road, Kasaba Lingasugur
Tq. Lingasugur, Dist. Raichur, now residing
at PWD camp, Sindhanur, Tq. Sindhanur
Dist. Raichur.
- 2) Aminamma W/o Khansab
Age: 50 years, Occ: Household, R/o Ward No.22
Pinjar Oni, Mudugal road, Kasaba Lingasugur
Tq. Lingasugur, Dist. Raichur, now residing
at PWD camp, Sindhanur, Tq. Sindhanur
Dist. Raichur.

(Represented by: Sri. BB. Advocate)

-Versus-

Respondents: -

- 1) Ramanna S/o Hire Balappa
Age: Major, Occ: Agri.,
R/o Mudugal village, Tq. Lingasugur
Dist. Raichur.
- 2) Nandappa S/o Basappa
Age: Major, Occ: Agri.,
R/o Mudugal village, Tq. Lingasugur
Dist. Raichur



(R1 & 2 by: Sri.NGY Advocate)

~:: **JUDGMENT** ::~

This petition filed under Section 166 of Motor Vehicle Act claiming compensation from the respondents, in connection with the Road Traffic Accident dated 05.05.2024.

2. **The brief facts of the petition:-**

On 05.05.2024 the Davalsab S/o. Khansab R/o.Kasaba Lignasugur proceeded to Mudugal to attend the marriage ceremony on his motor cycle bearing chassis no. MBLHA10AMCHK0825 towards the left side of the road slowly, cautiously by observing all traffic rules. When he was near Megh Pipe Company the respondent no.1 was driving his Regn No. KA-36/TC-794 and Trailer beg Regn No.KA-36-T-2568 with great speed and negligent manger in front of the motor cycle, the respondent no.1 suddenly applied break and stopped the tractor and trailer without any signal. Due to sudden stopping of said tractor and trailer, the deceased dashed to the said tractor trailer back side. Due to the said incident said Davalsab and pillion rider of motor cycle fell on the road, Davalsab sustained grievous head injuries, lacerated would and other vital parts of the body. After the accident he was shifted to Govt. Hospital Lingasugur, he was died in the said hospital due to failure of treatment. Prior to the said accident, the said Davalsab was hale and health person and he was doing Meson work, he used to earn Rs. 30,000/- per month and same was spent the same for the claimants. Due to the sudden death of the said deceased, the claimants suffered a great financial setback



and last their livelihood. The claimants have suffered an irreparable loss and injury in terms of love and affection as well in terms of financial aspect of the family due to the rash and negligent act of the Respondent No.1. Hence, respondents are liable to pay compensation of Rs.43,00,000/-. With these averments the petitioners pray for allow the above petition.

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

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

The claim petition is frivolous, vexatious and far away from the truth. The contents and allegations made in the petition are not admitted by this respondent and as such the same are specifically denied in toto. That, without prejudice and without admitting the rash and negligent act on the part of the driver of the Tractor bearing No.KA36/TC-794 and Trailer bearing No.KA3/T-2568 i.e., this respondent No.1. Hence the same is not maintainable either in law or on facts, the claimants with an intention to claim the compensation, chosen to said Tractor and Trailer in question and filed the false complaint before the police by created a false story to grab the compensation amount. The petitioners are put to strict proof of all such allegation of not expressly herein are denied by this respondent. Therefore the claim petition is liable to be dismissed with costs. It is submitted that, as per complainant averments as on the date of the accident rider of the motor cycle bearing No.KA36/EA-6532 its chassis No.MBLHA10AMCHKO725 i.e., deceased Davalsab s/o Khansab himself who ride the said motorcycle in rash and negligent



manner endanger to human life dashed backside of the Tractor bearing No.KA36/TC-794 and Trailer bearing No.KA3/T-2568 and caused the accident. Therefore, after the accident police have registered the case against the rider of the motor cycle bearing No.KA36/EA-6532 its chassis No.MBLHA10AMCHKO725 shown as accused No.2. However after learning fact that, as on the date of the accident deceased rider was not having DL and said motorcycle was not insured. Therefore, in order to get compensation from this respondent by colluding with police authority false case has been got registered against this respondent No.1. Hence this respondent is not liable to pay the compensation to the petitioners. It is further submitted that, as on the date of accident the above said Tractor and Trailor was parked by the extreme left side of the road by putting indicator and sign in order to identity the moving vehicles. Therefore, there was no any negligence on the part of the driver/respondent No. 1 of the said Tractor and Trailor. It is further submitted that, as on the date of accident deceased/accused No.2 was not wearing helmet at the time of the accident, therefore it is a violation of the Sec 129 of MV Act & Rules. It is submitted that, the petition is bad for non joinder of necessary parties and they should implead owner by name Sri.Ramjansab s/o Murtazasab R/o Janata Plot, Kavital Tq;Sirwar of the motor cycle bearing No.KA36/EA-6532 in which the deceased was proceeding and also as per charge sheet averments the owner of the motor cycle Sri. Ramjansab s/o Murtazasab, committed the offence U/Sec 5 with 180 of IMV Act R/o Sec 146 with 196 of IMV Act. Hence the owner of the motor cycle is necessary party to the proceedings. The accident in question occurred solely due to the entire negligence of the rider of motor cycle which dashed backside of the Tractor and Trailor. The respondent No.1 is not admitting



the age, occupation and income of the deceased and the same are hereby denied and the petitioners are put to strict proof of the same. It is further submitted that, the respondent No.1 not admitted the averments made in column No.1 to 22 of the claim petition and the same are hereby specifically denied and claimants are hereby called upon to strict proof of the same. It is further submitted that, the claim made by the claimants are highly excessive and exorbitant and the claimant is not entitled for any compensation from this respondent No.1 much less the alleged claim amount. It is further submitted that, this accident occurred only due to the negligent part of the accused No.2, who rider the said motor cycle with rash and negligent manner endanger to human life and caused the accident, hence the petition is to be dismissed against this respondent No.1. This court may kindly be pleased to reject the claim petition of claimants as against this respondent No.1 by fixing the liability upon the owner of the motor cycle bearing No. No.KA36/EA-6532, in the interest of justice and equity. On these grounds the respondents prayed for dismissal of this petition.

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

ISSUES

1. Whether the petitioners prove that the death of deceased Dawalsab S/o Khansab has succumbed due to actionable negligent driving of tractor bearing No.KA-36/TC-794 and Trailer bearing Reg.No.KA-36/T-2568 i.e., respondent No.1, which took place on 05.05.2024 at about 12.00 PM, on Lingasugur – Mudugal road, in front of Megha Pipe company?



2. Whether the petitioners are entitled for claim amount? If, so from whom at what rate and what is rate of interest ?
3. What orders or award?
6. In proof of the above issues the petitioner No.1 himself examined as PW1 and all documents got marked as ExP1 to Ex.P8 and closed his side evidence. The respondent side not led any evidence and case is posted for arguments.
7. 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 Partly Affirmative
ISSUE NO.3 : As per final order for the following.

~::~ REASONS ::~

8. **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 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 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.

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 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 Tribunal¹, **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 over the petitioner herself is a witness to the accident as he has been hit by the offending vehicle. Thus there is nothing to disbelieve the version the petitioner that the offending vehicle is alone is responsible for causing accident. Hence, issue No.1 answered in Affirmative.

10. **ISSUE NO.2:-** 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 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.



11. In the case deceased was a self-employed person and was doing masson 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.

12. 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 and filial 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 seems 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.

13. 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 2024.

14. In the present case the deceased was 22 years of age at the time of his death as per post-mortem report dated-20.05.2024 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.

15. 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 2024, 20% increment can be made .

$$\frac{\text{Rs.15,750} \times 100}{100} = \text{Rs.6,300/-}$$

Rs.15,750/-
+Rs. 6,300/-
Rs.22,050/-

$$\frac{\text{Rs.22,050}}{2} = \text{Rs.11,025/-} \quad (\frac{1}{2} \text{ deduction towards personal expenses})$$

$$\text{Rs.11,025} \times 12 \times 18 = \text{Rs.23,81,400/-}$$

01.	Loss of dependency of petitioners	Rs.23,81,400-00
02.	Filial consortium with 20% increment	Rs.96,000-00
03.	Loss of estate, loss of consortium & funeral expenses, love and affection	Rs.84,000-00
	Total	Rs.25,61,400-00

16. This court opined that the claimants entitled for 6% interest on the compensation amount **Rs..25,61,400-00/-** to be awarded. Hence Issue No.2 answered in Partly affirmative.

17. **ISSUE NO.3:-** In view of the findings on issues , I proceed to pass the following order:-



~:: **ORDER** ::~

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.25,61,400-00/- (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.1 and 2 jointly and severally liable to pay compensation amount and they directed to deposit the compensation amount within 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



ANNEXURE

I) Witnesses examined on behalf of Petitioner.

PW-1 : Khansab

II) Documents exhibited on behalf of Petitioner:

Ex.P1 : Certified copy of FIR
Ex.P2 : Certificate copy of Complaint
Ex.P3 : Certified copy of Charge sheet
Ex.P4 : Certified copy of Inquest panchanama
Ex.P5 : Certified copy of Spot panchanama
Ex.P6 : Certified copy of PM report
Ex.P7 : Certified copy of IMV report
Ex.P8 : Certified copies of statements

III) Witnesses examined on behalf of Respondents:

----NIL ----

IV) Documents exhibited on behalf of Respondents:

----NIL ----

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