

KADW200046402023



IN THE COURT OF THE I ADDL. SENIOR CIVIL
JUDGE AND ADDL. M.A.C.T., HUBBALLI.

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Addl. Senior Civil Judge & Addl.
MACT, Hubballi.

Dated this the 03rd day of September, 2025

M.V.C. No.599/2023 C/w M.V.C. No.600/2023

PARTIES IN M.V.C. No.599/2023:

PETITIONER

1. Smt. Shakeerabanu W/o Late Gulamahmed Shaikh, Age:45 years, Occ:Household work, R/o.Heggeri Colony, Old Hubballi, Hubballi.

2. Mehaboobali S/o Ismailsab Uppergharwale, aGe:36 years, Occ:nil, R/o.Heggeri Colony, Old Hubballi, Hubballi.
(Deleted)

(By Sri. M.V. Somanna,
Advocate)

PARTIES IN M.V.C. No.600/2023:

PETITIONER

: Shaheen D/o Late Gulam
Shaikh, Age:23 years,



Occ:Tailoring, R/o.Heggeri
Colony, Old Hubballi, Hubballi.

(By Sri. M.V. Somanna,
Advocate)

V/s

COMMON RESPONDENTS IN BOTH CASES:

RESPONDENTS :

1. Sirajhussaian S/o
Mohammadhussain,
Age:Major, Occ:Business,
R/o.Near Badariya Masjid,
Nehrunagar, Chikkamagalur-
577101, Tq;,
Dist:Chikkamagalur.
Owner of the Bus bearing
No.KA-15/4532.

2. The Manager,
United India General
Insurance Co. Ltd., Enkay
Complex, Keshwapur,
Hubballi-580 023.
valid upto 24.03.2023
(Deleted)

(R-1 by H.N. Hanchinamani Adv.)
R-2-Deleted)

COMMON JUDGMENT

*The petition in MVC No.599/2023 is filed by the
petitioners U/Sec 166 of IMV Act, seeking compensation*



for the death of their mother in the Road Traffic Accident.

The petition in MVC No.600/2023 is filed by the petitioner U/Sec 166 of IMV Act, seeking compensation for the injuries sustained by her in the Road Traffic Accident.

2. Brief facts of the case of the petitioners in MVC No.599/2023 are as under:-

On 24.03.2022 at about 5.30 p.m., the mother of the petitioners viz., Rajiyabegum W/o Ismailsab Upperghaarwale was traveling in a bus bearing Reg. No.KA-15-4532 from Dattapeeta towards Chikkamangaluru side, when the said bus reached near Attigundi cross, at that time, the driver o the said bus drove the said bus in high speed rash and negligent manner and suddenly took the said bus towards extreme right side and lost the control over the said



vehicle, as a result of which, the said bus toppled down in a pitch and caused accident, as a result, Rajiyabegum sustained Grievous Injuries to her head and all over the body.

After the accident, Rajiyabegum shifted to Government Hospital, Chikkamangaluru for treatment. Thereafter as per the advise of the Doctor, she was shifted to Government Hospital, Hassan and thereafter shifted to KIMS Hospital, Hubballi. During the course of treatment, Rajiyabegum died on 05.04.2022 in KIMS Hospital, Hubballi.

The accident was taken place due to the rash and negligent act of driving of the driver of the said bus. Prior to the accident, deceased Rajiyabegum was hale and healthy and was 68 years, working as Vegetable vendor and earning Rs.15,000/- per month and maintaining her family consisting of herself, her widow



daughter i.e., petitioner No.1 herein and physically handicapped son i.e., petitioner No.2 herein. The petitioners are entirely depending on the earnings of the deceased. Due to said accident the petitioners have lost income and love and affection and their life became at dark. Hence they claimed compensation of Rs.21,00,000/- under different heads.

Further contend that the accident took place only due to the negligent act of driver of the bus and the respondent No.1 is the owner of the said bus and the said bus was insured with respondent No.2 and as on the date of accident, policy is in force. Hence, the respondents are held liable to pay the compensation to the petitioners.

3. It is further submitted that, a case has been registered by the Chikkamangaluru Rural Police in Crime.No.91/2022 against the driver of the said Bus for



the offences punishable U/s.279 and 337 of IPC. After the Investigation, the Investigating Officer has filed the Chargesheet against the drivers viz., Syed Ameer Mohiddin @ Sakib/ accused No.1; Aslam Pasha @ Gouse Mohaddin/ accused No.2 and also against the owner of the bus viz., Shiraj Husen/ respondent No.1 herein/ accused No.3 for the offence punishable under Sections 279, 337, 338 and 304A of IPC and Sections 181, 196 and 192A of IMV Act.

In this petition, initially, the petitioner Nos.1 and 2 have filed the said petition for grant of compensation. But during the pendency of the petition, the petitioner No.2 reported to be dead and petitioner No.1 is the only legal heir of petitioner No.2. Hence, petitioner No.2 is deleted from the petition, as per the orders dated 19.02.2025.



4. Brief facts of the case of the petitioner in MVC No.600/2023 are as under:-

On 24.03.2022 at about 5.30 p.m., when the petitioner was traveling in a bus bearing Reg. No.KA-15-4532 from Dattapeeta towards Chikkamangaluru side, when the said bus reached near Attigundi cross, at that time, the driver o the said bus drove the said bus in high speed rash and negligent manner and suddenly took the said bus towards extreme right side and lost the control over the said vehicle, as a result of which, the said bus toppled down in a pitch and caused accident, as a result, petitioner sustained Grievous Injuries to her head and all over the body.

After the accident, petitioner shifted to Government Hospital, Chikkamangaluru for treatment. Thereafter as per the advise of the Doctor, she was shifted to KIMS Hospital, Hubballi. The petitioner has taken treatment



as indoor patient for 5 days for the injuries sustained to her and thereafter discharged with the followup treatment. The petitioner has spent Rs.50,000/- towards medical expenses.

The accident was taken place due to the rash and negligent act of driving of the driver of the said bus. Prior to the accident, petitioner was hale and healthy and was 23 years, working as Tailor and earning Rs.15,000/- per month and maintaining her family consisting of herself and her mother. Due to said accident the petitioner cannot do the work as she was doing earlier. Hence, she claimed compensation of Rs.5,00,000/- under different heads.

Further contend that the accident took place only due to the negligent act of driver of the bus and the respondent No.1 is the owner of the said bus and the said bus was insured with respondent No.2 and as on



the date of accident, policy is in force. Hence, the respondents are held liable to pay the compensation to the petitioners.

It is further submitted that, a case has been registered by the Chikkamangaluru Rural Police in Crime.No.91/2022 against the driver of the said Bus for the offences punishable U/s.279 and 337 of IPC. After the Investigation, the Investigating Officer has filed the Chargesheet against the drivers viz., Syed Ameer Mohiddin @ Sakib/ accused No.1; Aslam Pasha @ Gouse Mohaddin/ accused No.2 and also against the owner of the bus viz., Shiraj Husen/ respondent No.1 herein/ accused No.3 for the offence punishable under Sections 279, 337, 338 and 304A of IPC and Sections 181, 196 and 192A of IMV Act.

5. After service of notice, the respondent Nos.1 and 2 have appeared before the Court through their



counsel. Respondent No.2 has filed its objection. In spite of granting sufficient opportunity, respondent No.1 has not filed any objections.

The respondent No.2 has filed its objections to both these petitions specifically contending that the respondent No.2 has not issued any Policy in respect of the respondent No.1's vehicle as on the date of accident i.e., on 24.03.2022. The petitioners in both these petitions have unnecessarily made respondent No.2 as party to the petitions. Even the Investigating Officer has filed charge sheet against the respondent No.1 herein and inserted Sec 196 of IMV Act. Hence, the respondent No.2 is not liable to pay any compensation to the petitioners in both these petitions. Hence prays to dismiss the petition against respondent No.2.

Further the respondent No.2 has filed application at IA No.2 under Order 1 Rule 10 of CPC praying to



delete the respondent No.2 in these petitions. The said application was allowed on 30.04.2024 and respondent No.2 is deleted in the petitions. Hence, case against respondent No.2 is deleted.

6. On the basis of contentions of the petitioners, following issues are framed in MVC No.599/2023:

Issues

- 1) Whether the Petitioners prove that Rajiyabegum W/o Ismailsab Uppergharwale was succumbed/died in the Road traffic accident occurred on 24.03.2022 at 17.30 hours, on Dattapeetha to Attigundi Road, near Attigundi, Chikkamagaluru by the rash and negligent driving of the driver of the Bus bearing Reg. No.KA-15-4532 ?*
- 2. Whether 2nd respondent proves that the petition is bad for mis-joinder of unnecessary party and the offending vehicle was not insured with them ?*
- 3. Whether the petitioner is entitle for the compensation as prayed for ? If yes, what is the quantum and from whom ?*
- 4. What order or award ?*



7. *On the basis of contentions of the petitioner, following issues are framed in MVC No.600/2023:*

Issues

1) *Whether the Petitioner prove that she has sustained injuries in the Road traffic accident occurred on 24.03.2022 at 17.30 hours, on Dattapeetha to Attigundi Road, near Attigundi, Chikkamagaluru by the rash and negligent driving of the driver of the Bus bearing Reg. No.KA-15-4532 ?*

2. *Whether 2nd respondent proves that the petition is bad for mis-joinder of unnecessary party and the offending vehicle was not insured with them ?*

3. *Whether the petitioner is entitle for the compensation as prayed for ? If yes, what is the quantum and from whom ?*

4. *What order or award ?*

8. *Inorder to prove the case of the petitioners, the petitioner No.1 in MVC No.599/2023 examined herself as PW.1 and got marked documents at Ex.P1 to Ex.P10 and petitioner in MVC No.600/2023 got herself examined as PW2 and got marked documents at Ex.P.11 to P.15. On the other hand the respondent No.1*



has not come forward to cross examine the Pw1 and PW2.

9. Heard the arguments of Learned Counsel for Petitioners.

10. My findings on the above issues in MVC No.599/2023 are as under:

*Issue No.1 : In the Affirmative;
Issue No.2 : In the Affirmative;
Issue No.3 : Partly in the Affirmative
Issue No.4 : As per final order,
below for the following:*

11. My findings on the above issues in MVC No.600/2023 are as under:

*Issue No.1 : In the Affirmative;
Issue No.2 : In the Affirmative;
Issue No.3 : Partly in the Affirmative
Issue No.4 : As per final order,
below for the following:*

REASONS

*12. **Issue No.1 in both the petitions:-** It is the specific case of the petitioners in both the petitions that,*



on 24.03.2022 at about 5.30 p.m., when Rajiyabum and the petitioner in MVC No.600/2023 i.e., Shaheen was traveling in a bus bearing Reg. No.KA-15-4532 from Dattapeeta towards Chikkamangaluru side, when the said bus reached near Attigundi cross, at that time, the driver of the said bus drove the said bus in high speed rash and negligent manner and suddenly took the said bus towards extreme right side and lost the control over the said vehicle, as a result of which, the said bus toppled down in a pitch and caused accident, as a result, petitioner in MVC No.600/2023 i.e., Shaheen and Rajiyabegum sustained Grievous Injuries to her head and all over the body.

After the accident, petitioner in MVC No.600/2023 i.e., Shaheen and Rajiyabegum shifted to Government Hospital, Chikkamangaluru for treatment. Thereafter as per the advise of the Doctor, Rajiyagbeum was shifted



to Government Hospital, Hassan and thereafter shifted to KIMS Hospital, Hubballi. During the course of treatment, Rajiyabegum died on 05.04.2022 in KIMS Hospital, Hubballi.

Further the petitioner in MVC No.600/2023 i.e., Shaheen was shifted to KIMS Hospital, Hubballi. And she has taken treatment as indoor patient for 5 days for the injuries sustained to her and thereafter discharged with the followup treatment. The petitioner has spent Rs.50,000/- towards medical expenses.

The accident was taken place due to the rash and negligent act of driving of the driver of the said bus. Prior to the accident, petitioner in MVC No.600/2023 was hale and healthy and was 23 years, working as Tailor and earning Rs.15,000/- per month and maintaining her family consisting of herself and her mother. Due to said accident the petitioner cannot do



the work as she was doing earlier. Hence, she claimed compensation of Rs.5,00,000/- under different heads.

Prior to the accident, Rajiyabegum was hale and healthy and was 68 years, working as Vegetable vendor and earning Rs.15,000/- per month and maintaining her family consisting of herself and petitioners. Due to said accident the life of the petitioners has come to the dark. Hence, petitioners in MVC No.599/2023 claimed compensation of Rs.21,00,000/- under different heads.

Further contend that the accident took place only due to the negligent act of driver of the bus and the respondent No.1 is the owner of the said bus and the said bus was insured with respondent No.2 and as on the date of accident, policy is in force. Hence, the respondents are held liable to pay the compensation to the petitioners.



12.01. Per contra, though the respondent No.1 appeared before the Court through his counsel, but has not filed his objections inspite of granting sufficient opportunity. Hence, objections of respondent No.1 is taken as NIL.

12.02. To prove her contention the petitioners, petitioner No.1 in MVC No.599/2023 examined herself as PW1; and petitioner in MVC No.600/2023 examined herself as Pw2 by filing their affidavits in lieu of their chief examination and reiterated petition averments and also produced below mentioned documents :

a) Hand written complaint at Ex.P1.

a) FIR at Ex.P1. On perusal of the said document, it can be seen that Kudagol PS has registered a case at Crime No.17/2024, against the Driver of the Tractor and trailer for the offence punishable U/Secs 279, 283 and 304A of IPC.



a) *Written Complaint, at Ex.P1. On perusal of the same, it can be seen that Smt.Rasheda Bhanu has filed a complaint before Chikkamagaluru Rural PS in respect of RTA.*

b) *FIR at Ex.P2. On perusal of the said document, it can be seen that Chikmagaluru Rural PS has registered the case in Crime No.91/2022 against the driver of the bus for the offence punishable under Sections 279 and 337 of IPC.*

c) *Crime details form at Ex.P3.*

d) *postmortem report at Ex.P4.*

e) *IMV Report, at Ex.P5. On perusal of the said document, it can be seen that the accident was not occurred due to any mechanical defect of the vehicle.*

f) *Chargesheet, at Ex.P6. On perusal of the said document, it can be seen that after completion of Investigation, the Investigating Officer has filed the*



Chargesheet against the driver of the bus i.e., Syed Ameer Mohiddin @ Sakib for the offence punishable under Section 279, 337, 338 and 304A of IPC and Section 181 of IMV Act; against the driver of the bus by name Aslam Pasha @ Gouse Mohaddin i.e., accused No.2 for the offence punishable under Section 304A of IPC; and also against the owner of the bus i.e., Shiraj Husen i.e., respondent No.1 herein for the offences punishable under Sections 196 and 192A of IMV Act.

g) Indemnity bond at Ex.P7

h) Aadhar Cards at Ex.P8 and Ex.P9

I) vehicle particulars pertaining to bus bearing Reg. No.KA-15-4532, at Ex.P10

j) wound certificate at Ex.P11. On perusal of the said document, it can be seen that the petitioner in MVC No.600/2023 (PW2) has sustained one injury i.e., tenderness pelnis, which is simple in nature.



*k) ER Record issued by KIMS Hubballi
pertaining to PW2 at Ex.P12.*

l) Aadhar Card of PW2 at Ex.P13

m) X-ray at Ex.P14

*n) 5 medical bills to the tune of Rs. 4148/- at
Ex.P15*

13. In this case on perusal of all the documents, it clearly shows that, the accident was taken place on 24.03.2022 and in that regard the Chikkamagaluru Rural police have registered a case in CR.No.91/2022 against the driver of the bus and thereafter, after investigation, Investigating Officer has filed Chargesheet against the driver of the bus i.e., Syed Ameer Mohiddin @ Sakib for the offence punishable under Section 279, 337, 338 and 304A of IPC and Section 181 of IMV Act; against the driver of the bus by name Aslam Pasha @ Gouse Mohaddin i.e., accused



*No.2 for the offence punishable under Section 304A of IPC; and also against the owner of the bus i.e., Shiraj Husen i.e., respondent No.1 herein for the offences punishable under Sections 196 and 192A of IMV Act, wherein it is also mentioned that due to the negligent act of driver of the bus, the accident was taken place. Moreover the respondents have not challenged the police papers. **Hence, I answer point No.1 in the Affirmative.***

*14. **Issue No.2 in both the petitions:** It is the specific contention of the respondent No.2 that, he is not held liable to pay any compensation to the petitioners in both the petitions.*

As I have already stated supra that, the respondent N.2 has filed application at IA No.2 under Order 1 Rule 10 of CPC to delete the respondent NO.2 from the petitions. The said application came to be



allowed since the respondent No.2 has proved that as on the date of alleged accident, the respondent No.1 has not insured his vehicle with respondent No.2. The respondent No.1 has insured his vehicle after the accident i.e., on 25.03.2022 to 24.03.2023. But the accident was occurred on 24.03.2022.

*Hence, I answer **Issue No.2 in the Affirmative.***

*15. **Issue No.3 in MVC No.599/2023:** This issue is regarding petitioner entitlement for the compensation as claimed in the Petition on account of death of her mother Rajiyabegum in road accident. The petitioner No.1 is the daughter. The Respondents have not denied the relationship of the Petitioner with Rajiya begum. Therefore, the petitioner are entitled to get compensation under the following heads.*

*15.01. **LOSS OF DEPENDENCY:-** Now the question is to be determined is quantum of compensation to*



which the petitioners are entitle for compensation on account of death of Rajiyabegum in road accident. The petitioner who is daughter, has stated that, she lost the earning member of her family. She being the widow daughter is fully depended upon the earnings of the deceased who is doing vegetable vending business and getting income of Rs.15,000/- per day and maintaining the entire family. Though the Petitioner has contended so, she has not produced any documents before the Court in respect of the income.

Further it was claimed that deceased was aged about 68 years and she was hale and healthy and was looking after the family. In support of her claim, the petitioner has not produced any document before the Court. Hence, the age mentioned in the PM Report is taken into consideration. The age of the deceased mentioned in P.M Report/Ex.P4 is 69 years. Hence, the



same is taken into consideration.

*15.01.01. Further in this case though the petitioner claimed that the deceased was earning Rs.15,000/- per month, but to prove the same she has not produced any documents. But on perusal of the record it shows that the deceased was aged about 69 years and the accident was taken place in the year 2022. Hence, in the absence of such material the income of the deceased is to be fixed notionally. It is pertinent to state here that, the Hon'ble Karnataka State Legal Service Authority prepared chart of notional income. At this juncture, it is profitable to refer Division Bench decision of Hon'ble High Court of Karnataka reported in **2017 ACJ 2436, (Krishnabai and others Vs Fedex Express Transportation and supply chain services (India) Pvt., Ltd., and another,** wherein at paragraph No.11 it is held as under:*



“Repeatedly it has come to the notice of this court that, while this court has framed a chart or taking the notional income of the injured/deceased, the said chart is not been followed by the learned Tribunal. As mentioned in the case of Iqbalahamed Vs Vice Chairman, M/S Patel integrated Logistics Ltd., and another (MFA No.101018/2015 decided on 06.01.2017), the consequences of not following the chart by the learned Tribunal is that in variably the claimants approach this court with the plea that the income of the injured/deceased has not been assessed properly by the learned Tribunal. Considering the fact that, the chart prepared by this court has been followed by this court in its judgment, considering the fact that, a judgment of this court is binding on the learned tribunals, the learned tribunals are also duty bound to follow the chart prepared by this court.

*Further the said preposition of law has also been reiterated by Hon’ble High Court of Karnataka in another decision reported in **2018 SCC ONLINE KAR 2862, (LEGAL MANAGER IFFCO TOKIO GIC LTD., VS SRINIVASA AND OTHERS)**. Wherein at paragraph 6 it is held as under;*

“6. However, the court cannot ignore the



notional income chart of the lok-adalath when there is no material evidence to prove the actual income. Going by the said chart for the accident year 2012, the notional income of the deceased ought to have been taken at Rs.7,000/-. Therefore, the notional monthly income stands upwardly altered from Rs.5,000 to Rs.7,000/-.

In this case also, on perusal of the record it shows that the deceased was aged about 69 years and the accident was taken place in the year 2022. Hence, by considering the fact that there is no proof of income of deceased, by relying upon the guidelines issued by the Hon'ble KSLSA, though the petitioner claiming Rs.15,000/- per month, but the Hon'ble KSLSA has fixed the notional income for the year 2022 as Rs.14,750/-. Hence, the same is considered.

*15.01.02. As per the judgment reported in the case of **Sarla Verma and others V/s Delhi Transport Corporation and another (2009) 6 SCC 121**, the*



appropriate multiplier applicable is 05, as the age of the deceased was 69 years and she comes in the age group of above 65 years. In view of the above judgment, if the dependent is one, then 50% is to be deducted towards personal and living expenses of the deceased. As the Petitioner alone is treated as dependent, hence, 50% income of the deceased is to be deducted towards personal and living expenses. 50% of the income of Rs.14,750/- means Rs.7,375/- is the income of the deceased per month for the purpose of calculating the loss of dependency. Hence, the total loss of dependency will be Rs.7,375/- x 12 months x 05 (Multiplier) = Rs.4,42,500/-

15.02. TOWARDS LOSS OF ESTATE:- Since compensation is awarded under the head loss of dependency, only nominal amount could be awarded under this head. Having regard to the age of the



deceased and expectancy of future life, it is just and proper to award Rs.5,000/- to the petitioners under this head.

15.03. TOWARDS CONSORTIUM:- *In the case of United India Insurance Co. Ltd., V/s Satinder Kaur @ Satwinder Kaur and Ors, 2020 SCC Online SC 410, it was held as under;*

“b) Loss of Consortium

55. Loss of Consortium, in legal parlance, was historically given a narrow meaning to be awarded only to the spouse i.e., the right of the spouse to the company, care, help, comfort, guidance, society, solace, affection and sexual relations with his or her mate. The loss of companionship, love, care and protection etc., the spouse is entitled to get, has to be compensated appropriately. The concept of non-pecuniary damage for loss of consortium is one of the major heads for awarding compensation in various jurisdictions such as the United States of America, Australia, etc. English Courts have recognized the right of a spouse to get compensation even during the period of temporary disablement.



56. In **Magna General Insurance Co. Ltd. V. Nanu Ram & Ors**, this Court interpreted “consortium” to be a compendious term, which encompass spousal consortium, parental consortium, as well as 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.

57. 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.

58. Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. 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 and affection, and their role in the family unit.

59. 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 child. Most jurisdictions permit parents to be awarded



compensation under the loss of consortium on the death of a child. The amount awarded to the parents is the compensation for loss of love and affection, care and companionship of the deceased child.

60. The Motor Vehicles Act, 1988 is a beneficial legislation which has been framed with the object of providing relief to victims, or their families, in cases of genuine claims. 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.

61. Parental Consortium is awarded to the children who lose the care and protection of their parents in motor vehicle accidents.

*62. The amount to be awarded for loss of consortium will be as per the amount fixed in **Pranay Sethi** (supra)".*

*In the above referred to judgment, there were 3 petitioners and accordingly, the Hon'ble Apex court awarded compensation of Rs.40,000/- under the head of consortium. Therefore, as per the above judgment and in view of the law laid down in **Pranay Sethi**, the petitioner being the daughter, is entitled to parental*



consortium at the rate of Rs.40,000/-.

15.04. **TOWARDS TRANSPORTATION AND**

FUNERAL EXPENSES:- In so far as funeral expenses is

concerned, the Hon'ble Apex Court in the case of **Rajesh**

V/s Rajbir Singh (2013) 9 SCC 54, has held that;

“18. We may also take judicial notice of the fact that the Tribunals have been quite frugal with regard to award of compensation under the head “funeral expenses”. The “price index”, it is a fact has gone up in that regard also. The head “funeral expenses” does not mean the fee paid in the crematorium or fee paid for the use of space in the cemetery. There are many other expenses in connection with funeral and, if the deceased is a follower of any particular religion, there are several religious practices and conventions pursuant to death in a family. All those are quite expensive. Therefore, we are of the view that it will be just, fair and equitable, under the head of “funeral expenses”. In the absence of evidence to the contrary for higher expenses, to award at least an amount of Rs. 25,000/-”.

Hence, looking to the status of the parties and attending circumstances, it appears that the claimants have spent minimum amount of Rs.25,000/- towards



shifting of the injured to the hospital, transportation of dead body, funeral and obsequies ceremonies. Thus petitioners are entitled to be awarded an amount of Rs. 25,000/- under this head.

16. Accordingly, compensation payable to the claimants herein is determined as:-

Sl.No.	Particulars	Amount
1.	Income	Rs.14,750/- p.m.,
2.	Deductions towards personal expenses of the deceased.	50% of Rs.14,750/- =Rs.7,375/-
3	Total income per year	Rs.7,375/- x 12 = 88,500/-
4	Multiplier	05
5	Loss of dependency	Rs.88,500/- X 5 = Rs.4,42,500/-.
6	Loss of estate	Rs.5,000/-
7	Funeral expenses	Rs.25,000/-
8	Loss of consortium Rs.40,000/-	Rs.40,000/-
Total		Rs.5,12,500/-

17. **Issue No.3 in MVC No.600/2023:** This issue



is regarding petitioner's entitlement for compensation as claimed in the petition. In the petition the age of the petitioner is mentioned as 23 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the Wound Certificate is taken into consideration. The age mentioned in the Wound Certificate/Ex.P11 is 23 years. As the Respondents have not denied the age of the Petitioner, the same is taken into consideration for the purpose to ascertaining the compensation.

18. Further in this case the petitioner stated in his petition that prior to the accident she was hale and healthy, she was doing Tailoring work and earning Rs.15,000/- per month. Though the Petitioner has contended so, she has not produced any piece of evidence before the Court to prove her income. Further contends that due to the accident, she is unable to work



as she was working earlier. Further it is the specific case of the Petitioner that after the accident, she has sustained Grievous Injuries. On perusal of the wound certificate at Ex.P11, it can be seen that the petitioner has suffered Tenderness pelvis, which is simple in nature.

The Petitioner has not either produced any disability certificate nor examined the Doctor who treated her and not produced any documents showing her disability. In the absence of said ocular and documentary evidence, the disability of the Petitioner cannot be considered. But as the Petitioner has suffered three Grievous Injuries, she has to compensate for the same. Hence, this Court is of the opinion that as the Petitioner has suffered 1 simple Injury, she is entitled for Rs.5,000/- for the said injury. Further the Petitioner has



produced the 5 Medical bills at Ex.P15 to the tune of Rs.4,148/-.

Hence, in addition to that, the Petitioner is also entitle for medical bill amount of Rs.4,148/-. In total the Petitioner is entitle for total compensation of Rs.9,148/-, as global compensation.

19. **INTEREST** :- As per the judgment in the case of **Sarala Verma and others V/s Delhi Transport Corporation (2009) 6 SCC 121**, it is just and proper to award interest at the rate of 6% p.a. on the compensation awarded from the date of filing of the claim petition till realization.

20. **LIABILITY** :- In this case as per the Issue No.1 in both the cases, already this court held that, the accident has taken place due to the negligent on the part of the driver of the bus alone, as a result of which, deceased has succumbed to injuries and petitioner has



sustained injuries in the accident. In this case vehicle involved is bus bearing Reg. No.KA-15/4532 is not having any insurance. Even the Investigating Officer after the investigation has filed the charge sheet wherein Sec 196 and 192A of IMV Act has been inserted. Further the driver of the said bus is not having valid and effective driving license as on the date of accident. Even the Investigating Officer has inserted Sec 181 of IMV Act in the charge sheet. Hence, there is negligence on the part of the respondent No.1 who has allowed the driver who is not having valid and effective driving license to drive the non insurance bus.

Accordingly, Issue No.3 is answered partly in the affirmative.

21. Issue No. 4 in both petitions:- *In view of answering the Point Nos.1 to 3 as above, petition is hereby allowed in part. Hence, I proceed to pass the following;*



ORDER

The petition filed by the petitioner in MVC No.599/2023 U/Sec. 166 of M. V. Act is hereby partly allowed with costs.

The petition filed by the petitioner in MVC No.600/2023 U/Sec. 166 of M. V. Act is hereby partly allowed with costs.

The petitioner in MVC No.599/2023 is entitled for compensation amount of Rs.5,12,500/- (Rupees Five Lakhs Twelve Thousand five hundred only) along with interest at the rate of 6% per annum from the date of petition till deposit of the compensation amount from respondents.

The petitioner in MVC No.600/2023 is entitled for compensation amount of Rs.9,148/- (Rupees Nine Thousand one Hundred forty eight only) along with interest at the rate of 6% per annum from the date of petition till deposit of the compensation amount from respondents.

The respondent No.1 is directed to deposit the said compensation amounts



within 30 days from the date of this award.

After deposit, as the compensation awarded to the petitioners in both the cases are very meager one, office is directed to release the entire compensation amount to the petitioners in both the petitions.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Directly typed and computerized by me in Lap-top and corrected, signed and then pronounced by me in Open Court on this the **03rd day of September, 2025**).

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and MACT,
Hubballi.*

ANNEXURE

1.List of witnesses examined for the Petitioner/s in both cases:

- P.W.1 : Smt. Shakeerabanu W/o Late Gulamahmed Shaikh.
P.W.2 : Shaheen D/o Late Gulamahmed.



2.List of documents exhibited for the Petitioner/s in both cases:

- Ex.P.1 : Complaint.
Ex.P.2 : FIR.
Ex.P.3 : Crime Details Form.
Ex.P.4 : Post-Mortem Report.
Ex.P.5 : IMV Report.
Ex.P.6 : Charge Sheet.
Ex.P.7 : Indemnity Bond.
Ex.P.8 & P.9 : Aadhaar Cards.
Ex.P.10 : 'B' Register Extract.
Ex.P.11 : Wound Certificate.
Ex.P.12 : ER Record.
Ex.P.13 : Aadhaar card.
Ex.P.14 : X-ray film.
Ex.P.15 : Medical Bills. (15)

3.List of witnesses examined for the respondent/s in both cases:

-NIL-

4. List of documents exhibited for the Respondent/s in both cases:

-NIL-

sd/-

(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and MACT,
Hubballi.