

KASM610026852025



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND
J.M.F.C., AT SAGAR.**

Present: Raghavendra Shettigar B.A., LL.M.,
Prl. Senior Civil Judge & J.M.F.C., Sagar.

Dated, this the 10th day of August, 2026.

M.V.C.NO. 440/2025.

Petitioner:

1. Ilavarasan
S/o Subramani
Aged about 44 years,
Hamali work
2. Lakshmi
W/o Ilavarasan
Aged about 42 years,
wage work

Both are resident of
S.N.Nagara, A.K.Colony,
3rd Cross, Sagara Town,
Shivamogga District.

(By Sri. M.A.B., Advocate)

V/s.

Respondents:

Prasan K
S/o Kotrappa M.S
Analekoppa 1st Cross,
Sagara Town,
Driver of KA-02-MT-0141
Mahindra X.U.V.700.

- 2 S.Nagaraja
S/o Ramappa Siggade
@ Siddaramappa
Worker of Income Tax
Practitioner,
Aged about 49 years,
R/o No.10 Vatsal, 1st Cross,
Raksha Layout,
Adiginahalli Patelamma Temple,
Rajanakunte Post,
Yalahanka Taluk,
West Bangalore,
Driver of KA-02-Mt-0141
Mahindra X.U.V.700 Vehicle.
3. Zuno General Insurance
Company Limited.
Kamala Arcada,
1st Floor, New No.71(Old No.88/A)
26th Main, 37th B Cross,
Jayanagara, 9th Block, Bangalore.

(Written statement not filed)

:: JUDGMENT ::

The present claim petition has been filed by the petitioners against the respondents under Section 166 of Motor Vehicles Act seeking compensation of Rs.71,50,000/- with interest for the death of Sri. Siddu S/o Ilavarasan in a Road Traffic Accident that occurred on 09.02.2025.

2. The case of petitioners in brief is as under:

That, on 09.02.2025 at about 11.05 a.m., on NH-69 the deceased was proceeding in a Motor cycle bearing Reg. No.KA-15-EF-7761 as a pillion rider and same was ridden by one Bharath and when they reached near Ganapathi Temple in front of Prajwal Showroom at that time, the driver of the Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141 driven the vehicle in a rash and negligent manner with high speed and dashed against the deceased motor cycle. Due to the impact, said Siddu and Bharath sustained grievous injuries. Immediately after the accident Siddu was shifted to Government hospital, Sagara and later shifted to Shivamogga Max Hospital for higher treatment and later shifted to Manipal Hospital. He succumbed to the injuries on 10.02.2025. Petitioner No.1 is the father and petitioner No.2 is the mother of the deceased and they are the legal heirs of deceased. Prior to the accident, the deceased was hale and healthy, aged about 18 years and he was a diploma student and was also earning Rs.20,000/- from his milk vending business. Due to death of deceased, the petitioners are put to mental shock and agony and also lost their bread earner of the family. Further, the accident was occurred due to the rash and negligent driving of the Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141. As such, the respondent No.1 being the driver, Respondent No.2 being the owner and respondent No.3 being insurer are jointly and severally liable to pay compensation to the petitioners. Hence, the petition.

3. After presentation of the petition, notice was issued to the respondents. Though the respondent No.1 to 3 have appeared before the Court, despite giving sufficient opportunity they have failed to file written statement.

4. In order to prove the case, the petitioner No.1 examined himself as PW-1 and got marked documents as Ex.P.1 to Ex.P11.

5. On the basis of above pleadings, the following points arise for my determination:

POINTS

1) Whether the petitioners proved that, Sri. Siddu succumbed to the fatal injuries in the Road Traffic Accident that occurred on 09.02.2025 at about 11.05 a.m., on NH-69 in front of Prajwal Showroom due to the actionable negligence on the part of the driver of Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141?

2) Whether the petitioners proved that they are the legal heirs of deceased Sri. Siddu?

3) Whether the petitioners are entitled for compensation as prayed for? If yes, for what quantum?

4) What order or award?

6. Heard arguments and perused the materials available on record.

7. My finding on the above points are as follows:

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

Point No.3 : Partly in the Affirmative

**Point No.4 : As per final order,
for the following :**

R E A S O N S

8. **POINT No.1:**

The petitioners have filed this petition claiming compensation of Rs.71,50,000/- on account of death of Sri. Siddu in the road traffic accident.

9. The petitioner No.1 stepped into the witness box and examined himself as PW-1. On behalf of the petitioners, 11 documents were marked as per Ex.P.1 to Ex.P.11. Ex.P.1 is the copy of the FIR along with complaint in FIR No.0042/2025 of Sagara Town Police. On perusal of Ex.P.1, it reveal that I.O. has registered a case against the driver of the offending Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141. Ex.P.7 is the charge sheet filed by the Sagara Town police against accused No.1 i.e. one Mr. Prasanna K (Respondent No.1) who is none other than the driver of the offending vehicle for the offence punishable U/Sec.281, 125-A, 106 of BNS and Section 180 of Motor Vehicles Act. On

perusal of the aforesaid documents, it is sufficient to conclude that, the accident in question had taken place due to the actionable negligence of the driver of the offending vehicle.

10. Besides, it is settled principles of law that, in a motor vehicles accident compensation cases strict proof of negligence is not required. This view receives support from the law declared by Hon'ble Apex Court in a decision reported in **2009(13) SCC page 530** in the case of **Bimla Devi and others Vs. Himachalapradesh Road Transport Corporation** and in **AIR 2011 SC page 1504** in the case of **Parameshwari Vs. Amir Chand and others**.

11. Ex.P.5 is the PM report wherein it reveals that, deceased died due to injuries suffered in the accident. Thus, by considering the present facts of the case and the materials placed on record, I am of the opinion that, the accident in question had occurred due to the rash and negligent driving of the driver of the Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141 and deceased Sri. Siddu died in the alleged accident. Hence, Point No.1 is answered in the **Affirmative**.

12. POINT No.2:-

It is the contention of the petitioners that, the petitioner No.1 is the father and petitioner No.2 is the mother of the deceased and they are depending on the deceased. In order to

prove the relationship with the deceased, the petitioners have produced the copies of Aadhaar cards as per Ex.P.9 to Ex.P.11. In the instant case, though the respondents have appeared before the Court through their respective counsels, but not filed the written statement and not contested the petition and there is no dispute regarding the relationship of the petitioners with the deceased. Therefore, this Court is of the opinion that, the petitioners are the legal heirs of the deceased. Accordingly **I answer Point No.2 in the Affirmative.**

13. POINT No.3:

It is the specific contention of the petitioners that, deceased Siddu was hale and healthy at the time of accident and was diploma student and was also doing milk vending business and earning Rs.20,000/- per month. It is further contended that, due to untimely death of deceased they were put to great hardship.

14. Further to prove the occupation and income of the deceased, the petitioners have not produced any documents. Therefore, notional income has to be taken for consideration.

15. At this juncture, I would like to refer the decision reported in **2023(4) KCCR 3603 (DB) between Aneesahemmed Vs Mohammed Yusuf and Another.** In the above decision the Hon'ble High Court has taken into consideration the notional income as fixed by the Karnataka

State Legal Services Authority, Bengaluru (KSLSA in short). The KSLSA, Bengaluru as per letter dated 30.06.2026-06/LA/2022 has circulated the notional income chart prepared by them. As per the said notional income chart, if the accident occurred in the year 2025, the notional income has to be taken as Rs.18,000/- per month. Therefore, in view of the decision of the Hon'ble High Court and the letter of KSLSA and also in the absence of proof of income, this Court is of the opinion that, if the notional income is taken into consideration for assessing the income of the deceased would be just and proper. The accident was occurred on 09.02.2025. Therefore, this Court has taken Rs.18,000/- as monthly income of the deceased.

16. Before proceeding to award compensation under the different heads, I feel it necessary to reproduce the law declared by Hon'ble Apex Court rendered in ***National Insurance Company Ltd., Vs. Pranay Sethi and Ors.*** Reported in **(2017)16 SCC 680** Hon'ble Apex Court in para No.61 has proceeded to record the following conclusions;

(iv) In case the deceased was self-employed or on 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 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 head, 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.

17. To prove the age of the deceased, the petitioners have produced copy of Birth certificate of the deceased as per EX.P.8 and Aadhar card as per Ex-P9, wherein the date of birth of the deceased is mentioned as 01.08.2007. The accident was occurred on 09.02.2025. Therefore, at the time of accident, the deceased was aged about 17 years. As per the judgment of Hon'ble Apex Court in ***Sarla Verma and Ors Vs. Delhi Transport Corp. and Anr*** reported in (2009) 6 SCC 121 an operative multiplier of 18 is applicable for the age group of 15 to 20 years.

18. In the instant case, the deceased left behind his father and mother and they are the dependents of the deceased. In **Sarla Verma** case, the Hon'ble Apex Court has expressed the view regarding standardized deduction towards personal and living expenses, where the number of dependents are 2 to 3, the deduction would be $1/3^{\text{rd}}$. As discussed supra, in the present case, petitioners are the father and mother and they are the dependents. Hence, in the present case, $1/3^{\text{rd}}$ of the income of the deceased has to be deducted towards personal and living expenses. In the present case, the Court has taken the view that, the deceased was having monthly income of Rs.18,000/- (by relying on KSLSA notional income chart) and annual income would be Rs.2,16,000/-. If $1/3^{\text{rd}}$ is deducted towards personal expenses, the contribution to the family (dependents) is determined as Rs.1,44,000/-.

19. In the present case, the deceased was aged 17 years at the time of accident and he was self employed. Hence, an addition 40% is warranted towards future prospects. If 40% is added to the personal income of the deceased, it would be Rs.2,01,600/-. The multiplier will be 18 having regard to the age of the deceased at the time of death (17 years). Therefore, the total loss of dependency would be Rs.2,01,600/- X 18 = Rs.36,28,800/-. Thus, **Rs.36,28,800/-** is the compensation under the head of **loss of dependency**.

20. As per **Pranay Sethi Case**, 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 from the date of judgment (31.10.2017). Therefore, in the instant case, the petitioners are entitled for the aforesaid conventional heads with enhanced rate of 20%.

21. As discussed above, since Loss of estate, Loss of Consortium and Funeral expenses has been fixed by the Hon'ble Apex Court in **Pranay Sethi Case**, the petitioners are entitled to receive Rs.18,000/-, Rs.48,000/-each (petitioner No.1 to 3) and Rs.18,000/- respectively for **loss of Estate, consortium and funeral expenses**.

22. From the above discussions the petitioner No.1 and 2 are entitled for compensation under the following heads:

Sl. No.	Heads	Compensation
1)	Loss of dependency	Rs.36,28,800 /-
2)	Loss of Filial consortium to petitioner No.1 and 2 (Rs.48,000 x 2)	Rs. 96,000/-
4)	Funeral expenses	Rs. 18,000/-
5)	Loss of Estate	Rs. 18,000/-
	Total :	Rs. 37,60,800/-

23. REGARDING LIABILITY:

As discussed supra, this Court has arrived at the conclusion that, the accident had occurred due to the rash and negligent driving on the part of the driver of the Mahindra XUV-700 bearing Reg. No.KA-02-MT-0141. The respondent No.2 has insured the vehicle with respondent No.3 (Zuno General Insurance company Limited), as such, respondent No.3 has to indemnify the respondent No.2. Admittedly, the Insurance Policy was in force on the date of accident. Therefore, the respondent No.3/insurer is liable to pay the entire compensation to the petitioners.

24. Accordingly, the petitioner No.1 and 2 are entitled for compensation of **Rs.37,60,800/-** with interest @ **6% p.a.** from the date of petition till its realization in the ratio of **50:50** respectively. Accordingly, I answer **Issue No.3 Partly in the Affirmative.**

25. Issue No.4:

In view of my findings on Issue No.1 to 3, I proceed to pass the following:

ORDER

The petition filed by the petitioner No.1 and 2 under Section 166 of the Motor Vehicles Act, 1988 is partly allowed with costs.

The petitioners are entitled for total compensation of **Rs.37,60,800/-** with simple interest at the rate of **6% p.a.** from the date of petition till realization of entire compensation awarded.

Petitioner No.1 and 2 are entitled to receive compensation in the ratio of **50:50** respectively from the respondent No.3 (Zuno General Insurance Limited).

The respondent No.3 is directed to deposit the entire compensation amount with interest within 30 days as contemplated under Sec.168(3) of the Motor Vehicles Act, 1988.

Out of the award amount, 60% of the award amount of petitioner No.1 and 2 shall be invested in fixed deposit for a period of 3 years in any nationalized bank of petitioners' choice and balance amount shall be released to petitioner No.1 and 2 through NEFT/RTGS by way of E-payment on proper identification.

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

Draw award accordingly.

(Dictated to stenographer directly on computer, typed by her, corrected, signed and then pronounced by me in open Court on this the **10th of August 2026**).

(RAGHAVENDRA SHETTIGAR)

Prl. Senior Civil Judge & J.M.F.C. and
Presiding Officer,
Motor Accident Claims Tribunal-9
Sagar.

ANNEXURES

List of witnesses examined on petitioner's side:

P.W.1 : Illavarasan

List of documents exhibited on petitioners' side:

Ex-P1 : FIR and Complaint
Ex-P2 : Spot mahazar
Ex-P3 : Sketch
Ex-P4 : IMV report
Ex-P5 : PM report
Ex-P6 : Inquest mahazar
Ex-P7 : Chargesheet
Ex-P8&9 : Birth certificate & Aadhar card of
PW.1
Ex-P10 & 11 : Aadhar cars & Ration card of 1st
petitioner.

List of witnesses examined on respondents side:

-NIL-

List of documents exhibited on respondents side:

-NIL-

(RAGHAVENDRA SHETTIGAR)

Prl. Senior Civil Judge & J.M.F.C. and
Presiding Officer,
Motor Accident Claims Tribunal-9
Sagar.