



**IN THE COURT OF SENIOR CIVIL JUDGE AND
MACT AT TIPTUR**

DATED: This the 01st day of July-2026

PRESENT:

Sri. Varadaraj.B., B.Sc., LL.B., M.L

Senior Civil Judge and
MACT, Tiptur.

MVC No.1296/2024

Petitioners:

1. Vanajakshi.A.B W/o
Late Mohan Kumar,
D/o Late Someshekar,
Aged about 41 years,
R/o.#01, Pichenahalli,
Vighnasante Post,
Nonavinakere, Tiptur Taluk,
Tumkur District.
2. Dhanalakshmi.A.S
W/o K.M.Ravi,
D/o Late.Somashekar,
Aged about 38 years,
R/o.Kurubarahalli, Kasaba Hobli,
Chikkanayakahalli Taluk at Post.
3. Parvathamma.A.S W/o
Dakshinamurthy,
D/o Late.Somashekar,
Aged about 36 years,



R/o.Janehar Ramanahalli,
Kandikere Hobli,
Chikkanayakahalli Taluk.

(By Sri.M.S.R., Adv.,)

V/s

Respondents:

1. Lakshmikatha.M S/o
Late.Mahalingaiah,
Aged about 40 years,
R/o.Machenahalli Gollarahatti,
Turuvekere Taluk, Tumakuru.

(Owner of TATA Punch car
bearing Reg. No. KA-44-M-8495)
and also the driver of the car)

2. The Manager, Liberty General
Insurance Co. Ltd., # 21/15,
"The Land mark", 4th Floor,
Near Trinity Metro station,
M.G.Road, Bangalore-560001.

(Policy Number 201150020721800028600000
valid from 20.12.2021 to 19.12.2024)

(R.1 by Sri.T.P.L., Advocate)

(R.2 by Sri.N.V.N., Advocate)



J U D G M E N T

This petition is filed on behalf of the petitioners u/sec.166 of IMV Act, seeking compensation of Rs.50,00,000/- with interest @ 12% per annum from the date of petition till realization with regard to the death of Huchamma in a road traffic accident on 26.05.2024.

2. The gist of the petition averments are as follows.

This petition is filed by the daughters of one deceased Huchamma, who died due to a road accident on 26.05.2024 near Maruthi extension Basavanahalli gate. It is their contention that on the said fateful day, Huchamma was proceeding as a pedestrian on road side and at that time, the driver of the car bearing No.KA-44-M-8495 drove the same in a rash and negligent manner without following the traffic rules, came from the opposite side and dashed against the pedestrian, due to which she fell down and sustained grievous injuries over head, chest, legs and other parts of the body.



Immediately she was shifted to Tiptur Govt. hospital and from there for higher treatment she was shifted to Siddhaganga Hospital to Tumakuru and further she was shifted to SSMC Hospital, Hassan, where she took treatment. However, the treatment was not successful and she was brought back to her house where said Huchamma succumbed to the injuries on 17.07.2024.

3. It is their contention that, at the time of the death, Huchamma was aged about 65 years and she was doing agricultural and milk vending, vegetable vending and used to earn more than ₹ 30,000 per month. She was the sole bread earner of the family and petitioners were dependent on her earnings. The petitioners have suffered huge financial loss due to the death of their mother. The police have registered the case against the driver of the car which caused the accident and have proceeded. The respondent No.1 is the driver of the car as well as the owner whereas respondent No.



2 is the insurer of the said car. The petitioners have spent more than ₹4,00,000 for the medicines, hospital charges, nutrition, attending charges etc. when Huchamma was hospitalized and thereafter and also they have spent more than ₹60,000 as funeral expenses. Upon all these count, prays to allow the petition and grant the compensation of ₹50,00,000 as prayed by them in the petition.

4. After filing of the petition, petition notice was issued to the respondents and in response to the notice, the respondent No.1 has appeared before the court through his counsel but he has not filed the written statement. The 2nd respondent insurance company has made appearance before the court through their counsel and has filed written statement interalia denying the cause and circumstances of the accident, amount spent towards funeral and towards other incidental expenses, age, occupation, income, as put forth by the petitioner in toto subjecting the petitioner to strict proof of



the allegations made in that regard. It is further contented that the deceased Huchamma herself without following the traffic rules has negligently crossed the road due to which some unknown vehicle dashed against her and there is no nexus between the vehicle belonging to respondent No.1 and the vehicle which caused the accident. It is also contented that the petitioners are not dependent on the deceased and also that there is violation of conditions of the insurance policy by the insurer. Further the respondent No.2 has contented that the interest claimed is exorbitant and there is no basis for awarding any such interest as claimed by the petitioners. It is further contented that the driver of the offending vehicle was not having valid and effective DL at the time of the accident. Hence the insurance company is not liable to indemnify any compensation.

5. It is also contented that, the compensation claimed by the petitioner on different heads is excessive, exorbitant and



without any basis and also sought for contesting the petition on all grounds as provided U/sec.170 of IMV Act if the first respondent fails to contest the petition and accordingly, prayed for dismissal of the petition against it.

6. On the basis of the pleadings of the parties, following issues that would arise for my consideration ;

- 1) Whether the petitioners prove that on 26.05.2024 at about 05.15 pm., when the deceased Huchamma @ Thayamma was proceeding near Maruthi Extension, Basavanahalli Gate, near the house of Puttaswamy Gowda @ Rajanna as a pedestrian on the foot path and at that time, the driver of a Car vehicle bearing Reg.No.KA-44-M-8495 by driving it in a rash and negligent manner with high speed, without following traffic rules and dashed against her and caused accident and due to the



said impact the said Huchamma sustained grievous injuries on her vital parts of body and died in the hospital?

2) Whether the petitioners prove that are entitled for compensation as prayed for? If yes to what extent and from whom?

3) What order or award?

7. In order to prove the case of the petitioners, the petitioner No.1 herself got examined as P.W.1 and got marked as many as 17 documents as per Ex.P.1 to Ex.P17. On the other hand, respondent have not examined and not marked documents.

8. Heard the arguments of the learned counsels for the petitioner and the respondents.

9. On perusal of the oral and documentary evidence coupled with the pleadings of the parties, the aforesaid issues are answered as under:



Issue No.1 : In the Affirmative.

Issue No.2 : Partly in the Affirmative.

Issue No.3 : As per the final order for the following:

REASONS

10. Issue No.1: It is the specific case of the petitioners that, on 26.05.2024, around 5.15 pm., deceased Huchamma was hit by the car drove by the 1st respondent and thereafter she succumbed to the injuries on 17.7.2024 due to the injuries caused by the said accident.

11. Even though the respondent has contended that the accident has not occurred due to the negligent driving of the Car bearing reg No.KA-44-M-8495 nothing has been elicited in this respect from the mouth of PW-1 and more over PW-1 is not the eye witness to the accident. On the contrary, when I go through Ex.P.1 which is the FIR , it is found that the first information is given by the brother in law of the deceased based on the disclosure made by the eye witness of the



accident and he has disclosed regarding the manner of the accident and that it is the fault of the driver of the offending vehicle which caused the accident.

12. Based on the first information received the jurisdictional police have registered the case and investigated the matter and they have come to the conclusion that the accident has occurred due to the rash and negligent driving of the driver of the offending vehicle. On analyzing the cross examination of PW-1 nothing much is elicited from the mouth of this witness to disprove his veracity.

13. It is pertinent to note that even though the accident occurred on 26.5.2024, Huchamma died on 17.07.2024 at her house. To ascertain as to whether the death is caused due to the accident itself I have gone through the Ex.P10 which is the copy of the PM report where very specifically the death is attributed to the accident itself. Even the learned counsel for the respondent has not questioned this fact hence



there is no impediment to accept the cause of death.

14. Further, on going through EX.P1 it is found that the concerned police have filed FIR against the driver of the offending vehicle for the offenses under section 279 ,304(4) of IPC and r/w.section 187 of IMV Act. Ex.P.5 is the panchanama, which discloses the place of accident. Ex.P.3 is the charge sheet filed against the driver of the Car. The contention of the petitioner regarding the negligence driving of the driver of the Car and thereby causing the accident is concerned, it is corroborated by Ex.P.1, 3 and P5. There is no reason whatsoever, to disbelieve the police paper. It is well settled principles of law that in a motor vehicle accident compensation cases, strict proof of negligence is not required. Unlike a criminal case where proof beyond reasonable doubt is required, in motor vehicle accident compensation cases preponderance of probability is sufficient. This view is supported with the decision of the Hon'ble Supreme court in



the case reported in **2009(13) SCC 530 between Bimal Devi and others V/s Himachalpradesh road transport corporation LTD**. Under these circumstances, in view of my above said discussion I can conveniently hold that the accident in question has occurred due to the rash and negligent driving of the driver of the offending vehicle. **Accordingly, I answer issue No.1 in the Affirmative.**

15. Issue No.2: As I have discussed supra in issue No.1, the petitioners have proved that, Huchamma had succumbed to death in the road traffic accident, due to actionable negligence on the part of the driver of the offending vehicle, it goes without saying that they are entitled for compensation. Petitioner No.1 to 3 are the daughters of deceased Huchamma. Even though they are not dependents on the deceased Huchamma certainly they come under the preview of loss to estate. Now, the question is as to how much compensation the petitioners are entitled to? and from



whom?

16. In view of the dictum of the Hon'ble supreme court reported in ***Sarlaverma V/s Delhi transport corporation reported in AIR 2009 SC 3104 and National insurance company ltd., V/s Pranaysethi reported in LAWS (SC) 2017, 1044*** , the quantum of compensation and the multiplier to be selected under various heads in death cases is fixed. Keeping the said two dictum's of the Hon'ble Supreme court as yardstick, Now, the tribunal has to assess the compensation to be awarded to the petitioners and also the liabilities of the respondents as per the following head.

LOSS OF DEPENDENCY:

17. Petitioners have claimed that, the deceased Huchamma was doing agricultural work and also milk and vegetable vending out of which she was earning Rs.30,000/-pm. However nothing is produced before the court to substantiate the same. Hence, notional income as envisaged by the KSLSA



which is followed by the trial courts across the state has to be applied in this case. As per the said chart the notional income is fixed till 2022. From thereafter, every year Rs.500/- has to be added. In this case the accident occurred in the year 2024. Hence, the notional income should be Rs.16,500/-.

18. According to the medical records as on the date of accident, the age of the deceased was about 65 years. Thus since the deceased was about 65. Now so far as granting the compensation in respect of future prospects and also selection of multiplier is concerned, as per the dictum of the Hon'ble Supreme court, in the case narrated by me at the beginning of my discussion, since the deceased was aged 65 years and was in a self employed no addition of income is permissible. Hence, the calculation of income of the deceased is actual income - personal expenses. Since, the deceased is survived by only three legal heirs, as per the dictum of the Supreme court in **Sarala Varma** case, the deduction for the



personal expenses is $1/3^{\text{rd}}$ of the actual income. Thus out of the actual income of Rs.16,500/- PM, $1/3^{\text{rd}}$ has to be deducted and that should be multiplied with the multiplier envisaged in Sarala Varm case. Accordingly, in this case the calculation of loss of dependency would be as follows;

Rs.16500X12=1,98,000/- divided by $1/3$ = Rs.1,32,000/- PA. The age of the deceased is completed 65 years as on the date of accident. Hence, the accepted multiplier is 7 as envisaged in Sarala Varma case and the calculation comes to **1,32,000X 7= 9,24,000/-**.

Thus the loss of dependency is calculated at **Rs.9,24,000/-**.

19. MEDICAL EXPENSES:

As per the version of the petitioner accident occurred on 26.05.2024. The injured died on 17.07.2024. That means to say for about 2 months she was bed-ridden. The documents speaks that she was taken to Tiptur Government



hospital, thereafter, Tumkur and finally at Hassan hospitals for treatment. On going through Ex.P10 PM report it is found that there was a tracheal tube inserted, urinary catheter inserted, fracture in occipital bone. This clearly shows the gravity of injuries sustained by the deceased and naturally the petitioners mite have spent for medical expenses. Even though in the petition, the petitioners have claim that they have spent Rs.4,00,000/- towards medicines and other incidental charges on going through Ex.P14 which are 68 medical bills the total sum of medical expenses in occurred Rs.3,94,678/-. I have meticulously gone through all the 68 medical bills and it appears to be correct. **Hence, this amount of Rs.3,94,678/- requires to be reimbursed.**

20. LOSS OF CONSORTIUM, PARENTAL CONSORTIUM, LOSS OF ESTATE, TRANSPORT OF DEAD BODY AND FUNERAL EXPENSES:

In so far as loss of consortium, loss of estate, and Funeral



expenses is concerned, it is fixed by the Hon'ble Supreme court in **Pranay Sethi** and so far as loss of the parent to the children is concerned in a recent decision of Hon'ble Apex court in **Magma general insurance company V/s Nanuram** and others decided in civil appeal No.9581/2018 has directed to give filial/parental consortium to the children/parent the quantum which is already fixed by the Hon'ble apex court under the head of consortium. As per the decision of Hon'ble Supreme Court in Pranay Sethi case which was rendered in the year 2017 a specific direction is given where in every 3 year there should be 10% increase under these heads. The accident in this case has occurred in the year 2024. Hence, there should be 10% increase once in 2020 and 2nd year 2023.

21. Accordingly, with this calculation the petitioners are entitled for consortium of Rs.48,400/- each and Rs.18,150/- and Rs.18,150/- under the head loss of estate and funeral



expenses respectively. Considering the present days scenario I of the opinion that a sum of Rs.5,000/- should be allotted for transport of dead body would be appropriate under this head.

Considering the above, in all the petitioner is entitled for compensation under the following heads.

Sl.No.	Heads	Amount
1.	Towards loss of dependency	Rs. 9,24,000/-
2.	Towards funeral expenses and transportation of dead body	Rs. 18,150+5,000/-
3.	Towards Loss of Estate	Rs. 18,150/-
4.	Towards filial consortium	Rs. 48,400/- each to petitioner No.1 to 3 equal to Rs. 1,45,200/-
Total		Rs. 11,10,500/-

22. INTEREST:

So far interest is concerned, the petitioner has claimed an interest @ 12% p.a., from the date of accident till realization.



In a recent decision of the the **Hon'ble high court of Karnataka** in the case **MFA no 100090/14** between **Vijay Eshwar jadav and others V/S Ulrich Beichior Fernandis and others**, the Hon'ble high Court has held as under

“15. However, the provisions of section 149(1) of the act to the extent they speak of interest payable on the compensation amount is in the nature of an exception on the general law enacted in 169 of the M.V. act and therefore, the provisions of section 34 of CPC to that extent becomes invocable on the general principles of construction of status namely the special law overrides the general law. Therefore, in the absence of any other law relating to interest on judgment, the MACT has to follow the provisions of section 34 of CPC. Thus in the given circumstances of this case, interest at the rate of more than 6 % could not have been awarded”

Thus, considering the dictum of the Hon'ble High court, I deem it proper to award interest at the rate of 6% PA on the above said compensation amount.

**23. LIABILITY:**

In this case, this tribunal has already opined that, the accident had occurred due to rash and negligent driving of Car bearing No.KA-44-M-8495. Respondents have not disputed in respect of existence of policy as on the date of accident. Though it is contended by the respondent No.1 that the driver of the offending vehicle was not having a valid license it is not supported by any oral or documentary evidence. Hence, the 1st respondent being the owner and the 2nd respondent being the insurer are jointly and severally liable to he pay the compensation and the 2nd respondent is liable to indemnify the insured 1st respondent. **Accordingly, issue No.2 is answered partly in the affirmative.**

24. Issue No.3: For the aforesaid reasons, I pass the following:

ORDER

Petition filed by the petitioners is hereby
allowed in part with cost.



Petitioners are entitled for a compensation amount of **Rs.11,10,500/-** with interest at 6% p.a. from the date of petition till its deposit by the respondent No.2.

The compensation amount shall be apportioned equally between the Petitioner No.1 to 3.

On deposit of compensation amount, out of awarded amount in favour of petitioner No.1 to 3, 50% of the amount each shall be deposited in their name as fixed deposit in any nationalized bank for a period of 3 years and they are entitled for the interest accrued periodically. Remaining 50% shall be released in their favor individually after proper identification.



Respondent No.2 shall deposit the compensation amount within 30 days from the date of this order.

Draw award accordingly.

(Dictated to the Stenographer directly in on line computer, corrected and then pronounced by me in the open court on this the 1st day of July-2026)

Sd/-
(Varadaraj.B)
Senior Civil Judge & MACT,
Tiptur.

ANNEXURE

List of witness examined for the petitioners:-

PW.1 : Vanajakshi.A.B

List of documents got marked for the petitioner:-

Ex.P.1 : Copy of FIR
Ex.P.2 : Copy of Complaint
Ex.P.3 : Copy of Charge sheet
Ex.P.4 : Copy of Death report
Ex.P.5 : Copy of Spot mahazar
Ex.P.6 : Copy of Sketch
Ex.P.7 : Copy of Seizure mahazar
Ex.P.8 : Copy of IMV report



- Ex.P.9 : Copy of Inquest report
- Ex.P.10 : Copy of PM report
- Ex.P.11 and 12 : Discharge summary
- Ex.P13 : Case Sheet
- Ex.P14 : 68 Medical Bills
- Ex.P15 : Notarized copy of Aadhaar card of
petitioners
- Ex.P16 : Notarized copy of PAN card of
petitioners
- Ex.P17 : Notarized copy of 1st page of
Bank Pass book of petitioner

List of witnesses examined on behalf of the respondents:-

NIL

List of documents got exhibited on behalf of respondents:-

NIL

Sd/-

Senior Civil Judge & MACT.,

Tiptur.