



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

DATED: This the 20th day of July-2026

PRESENT:

Sri. Varadaraj.B., B.Sc., LL.B., M.L
Senior Civil Judge and
MACT, Tiptur.

MVC No.1411/2023

Petitioners:

1. Lokesh S/o Thimmaiah,
Aged aged about 53 years,
R/o.Konehalli Village,
Konehalli post, Tiptur Taluk,
Tumkur district.
2. Chandramma W/o Lokesh,
Aged about 47 years,
R/o.Konehalli village,
Konehalli post, Tiptur Taluk,
Tumkur district.
3. Dharani.K.L S/o Lokesh,
Aged about 26 years,
R/o.Konehalli Village,
Konehalli Post, Tiptur Taluk,
Tumkur district.

(By Smt.F.K., Adv.,)



V/s

Respondents:

1. Rangdamayya S/o Muniyappa,
Aged about 48 years,
R/o.Yentaganahalli Village,
Yentaganahalli Post, Kasaba Hobli,
Nelamangala Taluk,
Banglore Rural District.

(Owner of the Ashok leyland Lorry
bearing Reg No-KA-52-A-6548.)

2. Royal Sundaramma General
Insurance Company Limited,
No.30, 3rd Floor, JNR City Center,
Rajaram Mohan Roy Road,
Sampangi Ramnagara,
C2-Bangalore 560027.

(POLICY VALID FROM 21-7-2022
TO 20-07-2023)

Ashok leyland lorry bearing
Reg No-KA-52-A-6548.

(R.1-Absent)

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



J U D G M E N T

This petition is filed by the petitioners U/sec.166 of IMV Act, seeking compensation of Rs.80,00,000/- with interest from the date of petition till realization with regard to the death of the son of the petitioner No.1 and 2 by name Venugopal in a road traffic accident on 16.07.2023.

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

This petition is filed by the parents and the brother of one deceased Venugopal, who died due to a road accident on 16.07.2023 at about 02.10PM., when the deceased Venugopal was proceeding on a scooter bearing Reg.No.KA-02-J-0215 Tiptur to Arasikere B.H.Road and at that time, the driver of lorry bearing Reg.No.KA-52-A-6548 by driving it in a rash and negligent manner dashed the said scooter, due to which Venugopal and the pillion rider Varun fell down on the road, at that time the driver of the lorry drove the same over



the body of Venugopal due to which the said Venugopal died in the spot.

3. It is their contention that, at the time of the death, Venugopal was aged about 27 years and he was working as Carpenter in Amardeep Designs India(P) Limited at Bangalore. He was the sole bread earner of the family and petitioners were dependent on his earnings. The petitioners have suffered huge financial loss due to the death of their son. The police have registered the case against the driver of the lorry which caused the accident and have proceeded. The respondent No.1 is the owner whereas respondent No.2 is the insurer of the said lorry. The petitioners have spent Rs 1,00,000/- for funeral expenses. The accident happened only due to high speed, rash and negligent driving of the lorry bearing Reg.No.KA-52-A-6548. Upon all these count, prays to allow the petition and grant the compensation of ₹80,00,000 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 not appeared before the court. The 2nd respondent insurance company has made appearance before the court through their counsel and has filed written statement inter alia 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 contended that the deceased Venugopal himself without following the traffic rules due to which he lost control over the vehicle and at that time, some unknown vehicle committed accident and there is no nexus between the vehicle belonging to respondent No.1 and the vehicle which caused the accident. It is also contended 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 contended 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 contended 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 proves that on 16.07.2023 at about 02.10PM., when the deceased Venugopal was proceeding by the scooter bearing Reg.No.KA-02-J-0215 Tiptur to Arasikere B.H.Road and at that time, the driver of lorry bearing Reg.No.KA-52-A-6548 by driving it in a rash and negligent manner dashed the said scooter and he fell down on the road and due to this the said Venugopal sustained grievous injuries and died in the spot?
- 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 himself got examined as P.W.1 and got marked as many as 16 documents as per Ex.P.1 to Ex.P16.



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 16.07.2023, around 2.10pm., deceased Venugopal was hit by the lorry belonging to respondent No.1 drove by its driver due to which he succumbed in this spot 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 lorry bearing reg No.KA-52-A-6548 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 of the deceased based on the disclosure made by the pillion rider of the victim vehicle and 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. To ascertain as to whether the death is caused due to the accident itself I have gone through the Ex.P9 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(A) of IPC. Ex.P.4 is the spot mahazar, which discloses the place of accident. Ex.P.3 is the charge sheet filed against the driver of the lorry. The contention of the petitioner regarding the negligence driving of the driver of the lorry and thereby



causing the accident is concerned, it is corroborated by Ex.P.1, 3 and P4. 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, Venugopal 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 and 2 are the father and mother, petitioner No.3 is the brother of deceased Venugopal. Even though they are not dependents on the deceased Venugopal 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. The Petitioners have claimed that, the deceased Venugopal was working in Carpenter in Amardeep Designs India(P) Limited at Bangalore and used to earning ₹21,735/- per month. The PW-1 has also produced salary certificate of the deceased which is marked as Ex.P16 and as such there is no dispute with respect to his salary.

18. According to the medical records as on the date of accident, the age of the deceased was about 27 years. The petitioners have also produced the SSLC marks card of the deceased which is Exhibited at Ex.P12 which shows the date of birth of the deceased as 27.02.1996. That means to say as



on the date of accident the deceased had completed 27 years.

19. 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 27 years and was employed with fixed salary future prospects has to be added at 50% of the salary. So far as, the 3rd petitioner is concerned he is a major brother of the deceased and certainly he is not depended on the deceased and also he will not be having lost to estate. Hence, he has to be excluded from calculation of compensation.

20. Hence, the calculation of income of the deceased is actual income + future prospects - personal expenses. Since, the deceased is survived by two dependents, as per the dictum of the Supreme court in **Sarala Varma** case, the deduction for the personal expenses is 1/2 of the actual



income. Thus out of the actual income of Rs.21,735/- + 10,868/-(50%) =32,603/- PM, 1/2 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.32,603X12=3,91,236/- divided by 1/2 = Rs.1,95,618/- PA. The age of the deceased is completed 27 years as on the date of accident. Hence, the accepted multiplier is 17 as envisaged in Sarala Varma case and the calculation comes to **1,95,618X 17= 33,25,506/-**.

Thus the loss of dependency is calculated at **Rs.33,25,506/-**.

21. 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 children to the parent 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 2023. Hence, there should be 10% increase once in 2020 and 2nd year 2023.

22. 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. 33,25,506/-
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 and 2 equal to Rs. 96,800/-
Total		Rs. 34,63,606/-

23. 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.



24. **LIABILITY:**

In this case, this tribunal has already opined that, the accident had occurred due to rash and negligent driving of lorry bearing No.KA-52-A-6548. 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.**

25. **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.34,63,606/-** 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 and 2.

On deposit of compensation amount, out of awarded amount in favour of petitioner No.1 and 2, 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 20th day of July-2026)

Sd/-

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

ANNEXURE

List of witness examined for the petitioners:-

PW.1 : Lokesh

List of documents got marked for the petitioner:-

Ex.P.1 : Copy of FIR
Ex.P.2 : Copy of Complaint
Ex.P3 : Copy of Charge sheet
Ex.P4 : Copy of Spot Mahazar
Ex.P5 : Copy of Seizer mahazar
Ex.P.6 & 7 : Copy of IMV reports



- Ex.P.8 : Copy of Inquest report
- Ex.P.9 : Copy of PM report
- Ex.P.10 : Copy of D.L of the deceased
- Ex.P.11 : Copy of Aadhaar, PAN Card & Bank Pass
book of petitioners
- Ex.P.12 : Certified copy of SSLC Marks card
- Ex.P.13 : Letter of employee with notarized copy of
I.D.Card
- Ex.P14 : Bank Pass book
- Ex.P15 & 16 : Salary Certificates

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.