

KACD020033862022



Presented on : 06-10-2022
Registered on : 06-10-2022
Decided on : 31-07-2024
Duration : 1 years, 9 months, 25 days

IN THE COURT OF PRL. SENIOR CIVIL JUDGE
AND ADDL. MACT- III, AT CHITRADURGA

Dated this the 31st day of July 2024

MVC.No.938/2022

Present:- Smt.MAMATHA. D

B.Sc., L.L.B,
Prl. Senior Civil Judge and Addl.
M.A.C.T. - III, Chitradurga,

Petitioners/s:

- 1) Sri Channakeshavappa
S/o Era Kariyappa
Aged 40 years. Housewife,
- 2) Smt. Jayalakshmi
W/o Channakeshavappa
Aged 38 years
- 3) Nagarathana C
D/o Channakeshava @
Channakeshavappa
Aged 20 years,
- 4) C. Devika D/o Channakeshava @
Channakeshavappa
Aged 18 years
- 5) Sridhara C S/o Channakeshava

Aged 15 years,

Petitioners No.5 is minor,
Representd by his natural guardian
Father i.e., petitioner No.1
Channakeshavappa S/o Kariyappa
All are R/o Kereyagalhalli village,
Uppigenahalli post,
Chitradurga Taluk.

(By Sri.ADR Advocate)

Versus

Respondents:

- 1) Smt. Suguna G.M
W/o Kubera H
Major, Owner of Goods vehicle Reg.
No.KA-16-D-7804
R/o Janukonda village,
Chitradurga Taluk.
- 2) The Branch Manager
IFFCO TOKIO General
Insurance Co. Ltd., Branch Office,
JCR Extension Main road,
Opp. SBI Bank, Chitradurga Town.

Py.no.MM172347

Period from 09.11.2021 to 08.11.2022

(Respondent no.1 by Sri.RRG/PJG,
advocate, respondent no.2- by Sri.PN,
advocate)

Date of institution of petition

6-10-2022

Nature of petition

Compensation under
166(c) of M.V. Act.

Date of recording the evidence

23-01-2024

Date of Judgment.

Total Duration.

---Years-----Months----Days---
 01 09 25

(MAMATHA. D)
 Prl. Senior Civil Judge and
 Addl. M.A.C.T. - III,
 Chitradurga,

:::: JUDGMENT :::

The petitioners have filed this petition against the respondent No. 1 and 2 under section 166(c) of M.V. Act, seeking compensation of Rs.1,00,00,000/- with interest and cost.

Brief case of the petitioners is that:

2. The petitioner no.1 being the father, petitioner no.2 being the mother, petitioner no.3 and 4 being the sisters and petitioner no.5 being the younger brother of C. Siddesh, stated that on 22-6-2022 at 4.00.p.m. said Siddesh as a rider of motorcycle bearing Reg.No.KA-16-U-4915 was proceeding near Singapura Kavalahatti village of Chitradurga taluk, was hit by a speeding Bolero goods vehicle bearing Reg.No.KA-16-D-7804 being driven by its driver in a rash and negligent manner, due to that Siddesh had sustained grievous injuries to his head, abdomen, legs, hands, other vital parts of his body. Immediately he was then shifted to Government Hospital, Chitradurga, after first aid, then shifted to Basaveshwara hospital, Chitradurga, later shifted to Victoria hospital, Bengaluru, and C. Siddesh died during the course of his treatment on 24-6-2022. The petitioners have spent Rs.2,00,000/- towards medical expenses, Rs.1,00,000/- for

shifting the dead body and Rs.1,00,000/- for cremation and to perform last rites of the deceased. Prior to accident the Siddesh was hale and healthy, doing agriculture, used to earn Rs.30,000/- per month, used to contribute all his income for the welfare of the family. Petitioners have lost their sole bread winner for the untimely death of Siddesh in road traffic accident. The accident occurred due to the negligence on the part of the driver in driving the Bolero goods vehicle bearing Reg.No.KA-16-D-7804. The respondent no.1 is the owner, respondent no.2 is the insurer of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 and the insurance policy found valid from 9-11-2021 to 8-11-2022. Hence, the respondent no.1 and 2 are jointly and severally held liable to pay the compensation. Hence, prayed for grant of compensation of Rs.1,00,00,000/- together with 12% interest p.a.

3. After service of notice, the respondent No. 1 and 2 appeared through their counsel and filed their objections to the petition.

4. The brief contents of objection of respondent No.1 is as follows:-

The respondent No.1 denied in his objection the very case of the petitioners in regard to occurrence of accident, consequent death of C. Siddesh, and the rest of the averments of petition, respondent no.1 has taken specific contention that the Bolero goods vehicle bearing Reg.No.KA-16-D-7804 was validly insured with respondent no.2 covered with risk of accident and thus respondent no.2 being the insurer is liable to indemnify the claim

of the petitioners, prayed to dismiss the claim of the petitioners fastening the liability upon 2nd respondent.

5. The brief contents objection of respondent No. 2 is as follows:-

6. The respondent No.2 denied the petition averments the age, occupation, income of the deceased. The relationship of deceased with petitioners is denied. Except admitting the issuance of insurance policy and its validity on the date of accident, the respondent no.2 specifically stated that the respondent no.1 willfully driven his Bolero goods vehicle bearing Reg.No.KA-16-D-7804 without having valid licence and the driving skill, further by denying and disputing the relationship of the petitioners with the deceased, the respondent No. 2 has prayed to dismiss the petition.

7. Based upon the above pleadings, the following issues have been framed :

:::: ISSUES :::

1. Whether the petitioners prove that, on 22-6-2022 at about 4.00.p.m. while deceased C. Siddesh was proceeding on motorcycle bearing Reg.No.KA-16-U-4915 by riding it, near Singapura Kavaluhatti village, Chitradurga taluk, the accident that occurred is due to rash and negligent driving of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 by its driver?

2. Whether the petitioners prove that, deceased C. Siddesh sustained vital injuries and died due to injuries sustained in the said accident ?

3. Whether the petitioners are entitled for compensation? If so, to what extent and from whom ?

4. What order or award ?

8. The petitioners in order to prove their case, the petitioner No.1 Channakeshavappa is examined as PW-1 and he got marked 20 documents as per Ex.P-1 to 20 and closed his side. On the other hand, M.V.Manojkumar, the legal officer of 2nd respondent insurance company is examined as RW.1 and has got marked Ex.R.1 and 2. The respondent No.1 has not lead evidence. Hence, taken as nil.

9. Heard the arguments of advocates for petitioners and respondents. The Advocate for respondent No.2 has filed his written argument.

10. My findings on the above issues is 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 for the following:-

::: REASONS :::

11. **Issue No. 1 and 2:-** These issues are taken together for common discussion, as same are inter connected, based on common facts and required common discussion in order to avoid repetition of the facts.

12. It is the case of the petitioners that the son of petitioner No.1, ie., C. Siddesh on 22-6-2022 at about 4.p.m. being the rider of motorcycle bearing Reg.No.KA-16-U-4915 while proceeding near Singapura, Kavaluhatti village, Chitradurga taluk, the driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 hit the motorcycle due to which he sustained fatal injuries to vital parts of his body, he died on 24-6-2022 at Victoria hospital, Bengaluru, during the course of his treatment.

13. In order to prove the averments made in the petition, the petitioner no.1 is examined as PW.1. In his chief examination affidavit, he has reiterated the contention taken in the petition. In addition to his oral evidence, he has produced the documents marked at Ex.P.1 to 20. Ex.P.1 is the true copy of FIR in Cr. No.291/2022. It discloses that Chitradurga rural police registered a case against driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 on the basis of complaint lodged by Manjula W/o Shivanna, for the offence punishable under section 279, 337, 304-A of IPC, Sec.187 of IMV Act. Ex.P.2 is the true copy of complaint of the complainant Manjula W/o Shivanna for the alleged accident caused by the driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 and registered the case for the offences punishable under section 279, 337, 304-A of IPC, Sec.187 of IMV Act.

Ex.P.2 discloses that, Manjula W/o Shivanna, lodged complaint before Rural police, Chitradurga at 4.00.p.m. her relative Siddesh was proceeding on a motorcycle bearing Reg.No.KA-16-U-4915 along with her son Arunkumar as pillion rider, to go to Chitradurga, crossing NH.13 road, then the driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 came from Holalkere road in a high speed, rash and negligent manner and hit the motorcycle bearing Reg.No.KA-16-U-4915 ridden by Siddesh. Due to that motorcycle turtled and fell on her son Aunkumar and he sustained grievous injuries, the rider of motorcycle also sustained injuries. Her husband took the injured to Government Hospital, Chitradurga,. Her son Arunkumar succumbed due to the injuries during treatment in the hospital. Ex.P.3 is the true copy of panchanama, the investigation officer, conducted panchanama at the spot of accident on 23-6-2022 between 10.30.a.m. to 11.00.a.m. and prepared the sketch at the spot. Ex.P.4 is the true copy of Inquest panchanama of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa. The investigation officer, conducted inquest panchanama of the deceased on 25-6-2022 between 8.00.a.m. to 10.00.a.m. The Inquest panchanama discloses that Siddesh was admitted in Vijaya hospital, Bengaluru, during treatment passed away on 24-6-2022 at 2.56.p.m. Ex.P.5 is the true copy of postmortem report discloses that Siddesh died due to coma as a result of head injury sustained. Ex.P.6 is the true copy of vehicle seizure panchanama conducted on 23-6-2022 between 11.30.a.m. to 12.15.p.m. and seized the motorcycle bearing Reg.No.KA-16-U-

4915 and Bolero goods vehicle bearing Reg.No.KA-16-D-7804. Ex.P.7 is the true copy of death intimation letter of Vijayanagar hospital, Bengaluru discloses that Siddesh passed away on 24-6-2022 at 2.57.p.m. Ex.P.8 is the true copy of final report discloses that investigation officer after thorough investigation filed charge sheet against the Harish. R the driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 for the offence punishable under section 279, 304-A IPC R/w Sec.187 IMV Act. Ex.P.9 is the 10 medical bills.Ex.P.10 is 4 prescriptions. Ex.P.11 is the death summary of Vijayanagar hospital, Bengaluru. It discloses that injured Siddesh was admitted to hospital on 23-6-2022 and declared his death on 24-6-2022 at 2.57.p.m. Ex.P.12 is the referral card of Basaveshwara Medical College & Hospital, Chitradurga. Its discloses that injured Siddesh admitted to hospital on 22-6-22 at 5.30.p.m. Ex.P.13 is the RTC extract for the year 2023-2024 for Sy.No.55/2 measuring 1 acre 36 guntas standing in the name of petitioner No.1-Chennakeshava, S/o Erakariyappa @ Veerakariyappa. Ex.P.14 to 19 are the notarized copy of Aadhar card of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa, and petitioner No.1 to 5 respectively. Ex.P.20 is the true copy of IMV report, it discloses that RTO Chitradurga inspected the vehicles involved in the accident and MV inspector has opined that the accident was not caused due to any mechanical defects of the vehicles involved in the accident.

14. On the other hand, the legal officer of 2nd respondent insurance company is examined as RW.1. In his chief examination affidavit, he has reiterated the contents of his

objection statement. In addition to his oral evidence, produced and marked Ex. R.1 and 2. Ex. R.1 is the letter of authorization given to Manoj, to give evidence on behalf of 2nd respondent insurance company. Ex. R.2 is the policy copy discloses that the policy of offending Bolero goods vehicle bearing Reg.No.KA-16-D-7804 is valid from 9-11-2021 to 8-11-2022.

15. From the above discussion of the police records discloses that the accident occurred due to rash and negligent driving of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 by its driver. Hence, the petitioners proved that the accident was occurred due to rash and negligent driving of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 by its driver. Though, the counsel for respondent no.2 in the written arguments submitted that the deceased was minor at the time of accident, he was having no D.L. and not wearing the helmet. The minor C.Siddesh ridden the motorcycle bearing Reg.No.KA-16-U-4915 without having D.L. to ride the motorcycle by minor is an offence under the MV Act, punishable to their guardian for entrusting the vehicle to ride the motorcycle . In the above case, in the charge sheet, there is no offence alleged against the guardian of the deceased minor. The accident was not occurred due to negligence on the part of the minor C.Siddesh. As per police records clearly reveals that the accident was occurred due to rash and negligent driving of driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804. Due to the said accident, C. Siddesh sustained injuries and he succumbed due to the said injuries during treatment in the hospital. The petitioners have proved that the accident was

occured due to rash and negligent driving of driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804. Due to the said accident, son of petitioner no.1 and 2 passed away. Hence, I answer issue no.1 and 2 in the affirmative.

16. **ISSUE No.3:** The petitioners in the petition claimed compensation of Rs.1,00,00,000/- due to the death of C. Siddesh S/o Channakeshava @ Channakeshavappa, in road traffic accident. Petitioner No.1 is the father, petitioner No.2 is the mother, petitioner No.3 and 4 are the sisters, petitioner No.5 is the younger brother of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa.

17. **Loss of Dependency:** In the petition the petitioners have taken contention that prior to the accident, the deceased was doing agricultural work and he was earning Rs.30,000/- per month and the entire earnings of the deceased is handed over to the petitioners. The deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was the only earning member in the family. Due to the death of C. Siddesh S/o Channakeshava @ Channakeshavappa, the family lost bread earner of the family and suffering from financially hard days. The petitioners submitted that as on the date of accident, he was 17 year old. As per Ex.P.4 and 5 Inquest panchanama and Postmortem discloses that the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was 17 year old at the time of death, the medical records Ex.P.9, 11, discloses that the age of the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa at the time of accident is 17 years. As on the

date of death the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was 17 year old.

18. In the petition the petitioners submits that prior to the accident, deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was doing agriculture work and he was earning Rs.30,000/- per month. The record discloses that the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was minor at the time of his death. On this point, I would like to rely upon the decision of **Hon'ble High Court of Karnataka, Dharwad bench, in MFA.No.102268/2019(MV) in a case between Chetana W/o Honnappa M.E. vs. Babuji M**, at para no.10 held that, Admittedly, the deceased was aged 17 years as on the date of the accident. He might not be an adult but he cannot be considered as a child. He has to be considered as an adolescent. Section 2 (i) and (ii) of the [Child and Adolescent Labour \(Prohibition and Regulation\) Act, 1986](#) (for short "the Act") defines as follows:

"(i) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

"(ii) "child" means a person who has not completed his fourteenth year of age or such age as may be specified in the [Right of Children to Free and Compulsory Education Act, 2009](#) (35 of 2009), whichever is more."

19. And in para.no.12 it is held that **The Hon'ble Apex Court in the case of [Sarla Verma and others v. Delhi](#)**

Transport Corporation and another reported in 2009 ACJ 1298 while determining the multiplier/multiplicand in accidental claims, has taken into consideration persons from the age group of 15 years and onwards while fixing the multiplier.

20. The revised notional income is fixed by the Karnataka State Legal Services Authority, is adopted by the court for determining the income and the multiplier of **Hon'ble Apex court reported in (2009) 06 SCC 121 (Sarala Varma V/s Delhi Transport Corporation)** is 18 that needs to be considered.

21. As per the decision of the Hon'ble High Court of Karnataka, Dharwad, **Chetana W/O Honnappa M E vs Babuji M S/O Mariyappa D**, in this case deceased C. Siddesh S/o Channakeshava @ Channakeshavappa is 17 year old at the time of death. **As per the petition averments, he was doing agriculture and student earning Rs.30,000/- per month.** In support of the contention taken in the petition, the petitioners have not produced any document to show that the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa prior to the date of accident was earning Rs.30,000/- per month. As per the judgment of Hon'ble High Court of Karnataka, Bengaluru, in absence of proof of income of the deceased as stated in the petition, the court has to assess the income of the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa as notional income. The income fixed by Karnataka State Legal Service Authority for the year 2022 is fixed at Rs.15,500/-. **As per the principle laid down in the judgment of Hon'ble Apex court in National Insurance company V/s Pranayasethi and others.** It

is held that age of the deceased is to be considered for calculating the compensation. In the judgment of **Hon'ble Apex court reported in (2009) 06 SCC 121 (Sarala Varma V/s Delhi Transport Corporation)** it is held that where deceased was bachelor, the deduction towards personal and living expenses in the monthly income of the deceased, should be one-fifth ($\frac{1}{5}$). In this case, legal heirs of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa are petitioner no.1 is the father, petitioner no.2 is the mother, petitioner no.3 and 4 are the sisters and petitioner no.5 is the younger brother of deceased.

22. The notional income of the deceased taken at Rs.15,500/-. Therefore, half of the income in the present case is to be deducted towards personal and living expenses. As per the Judgment of Hon'ble Apex Court in **National insurance company Vs Pranayasethi and others**. It is held that where the deceased is a bachelor, an addition of 40% of established income of the deceased towards future prospectus, if, the age of the deceased below 40 years. In this case, at the time of death C. Siddesh S/o Channakeshava @ Channakeshavappa he was 17 year old. Hence, 40 % is added towards future prospectus to his income which he was receiving at the time of his death. If, 40% is Rs.6,200/- is added, then his income will be of Rs.21,700/-.

23. As per the judgment in **Sarala varma V/s Delhi Transport Corporation and (National Insurance Company V/s Pranay Sethi and others)** the age of the deceased should be the

basis for applying multiplier. The multiplier applicable is '18'. The income of the deceased is taken at 21,700/- per month. Out of his total income half is to be deducted towards personal and living expenses and remaining amount will be of Rs.10,850/-. The said income has to be considered for the purpose of loss of dependency. Hence, the petitioners are entitled to get compensation under the head of loss of dependency. The total income after deducting $\frac{1}{2}$ towards personal and living expenses of deceased, it comes to Rs.10,850/- X 12(months) X 18 (Multiplier)=Rs. 23,43,600/-. Accordingly the same is awarded under the head of loss of dependency.

24. **Towards loss of filial consortium :-** As per the judgment of **Hon'ble Apex court in United India Insurance Company Limited V/s Satindar Kaur @ Satwinder Kaur and another.** The petitioner No.1 and 2 have lost love and affection of their son. Filial consortium is the right of the parents to compensation in the case of accidental death of a child. An accident leading to the death of child causes great shock agony to the parents and family of the deceased. The Hon'ble Apex court fixed filial consortium of Rs.40,000/- each. The petitioner No.1 and 2 are the father and mother of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa, Therefore, they are entitled for Rs.80,000/- (Rs.40,000/- each) towards filial consortium

25. **Towards medical expenses:** In the petition the petitioners submits that after the accident deceased C. Siddesh S/o Channakeshava @ Channakeshavappa was admitted in

Basaveshwara Medical College & Hospital, Chitradurga, later shifted to Victoria hospital, Bengaluru and spent Rs.2,00,000/- towards medical expenses. The petitioners have produced the medical documents Ex.P.9(10 medical bills), Ex.P.10 (4 prescriptions), Ex.P.11 death summary, Ex.P.12 referral card. On perusal of Ex.P.11 death summary discloses that C. Siddesh S/o Channakeshava @ Channakeshavappa was admitted in Vijayanagar hospital, on 23-6-2022 he passed away on 24-6-2022 at 2.57.p.m. As per Ex.P.9 medical bills discloses that the petitioners have spent Rs.62,760/-. The petitioners have not produced medical bills to show that they have spent Rs.2,00,000/- for treatment. Therefore, considering the medical bills, for the amount spent to the treatment of injured C. Siddesh S/o Channakeshava @ Channakeshavappa, it is just and necessary to award Rs.62,760/- under the head of medical expenses. Accordingly, the said sum is awarded to meet the ends of justice.

26. In the petition, the petitioner no.3 and 4 are elder sisters, petitioner no.5 is the younger brother of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa. Petitioner no.3 to 5 are also the dependents of the deceased and are entitled under the head of loss of dependency.

27. **Towards Loss of Estate, Funeral expenses and obsequies:** As per the judgment **(National Insurance company V/s Pranayasethi and others)** it is held that towards loss of estate, funeral expenses, obsequies is fixed at Rs.15,000/- each. An amount of Rs.15,000/- is awarded towards loss of

estate and Rs.15,000/-towards funeral expenses and obsequies in the interest of justice. Hence, an amount of 30,000/- is awarded towards loss of estate, funeral expenses and obsequies. Hence, the petitioners are entitled to get the award amount as shown below:

1	Towards loss of dependency	Rs.23,43,600-00
2	Loss of filial consortium	Rs.80,000-00
3	Towards medical expenses	Rs.62,760-00
4	Towards loss of Estate	Rs.15,000-00
5	Funeral expenses and obsequies	Rs.15,000-00
	Total	Rs,25,16,360-00-00

28. **Liability:-** From the above discussion discloses that the accident was occurred due to the rash and negligent driving of the driver of offending Bolero goods vehicle bearing Reg.No.KA-16-D-7804 . From the police records discloses that the accident occurred due to rash and negligent driving of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 by its driver. Respondent no.2 though taken contention that at the time of accident, driver of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 was not holding valid D.L. But, failed to prove the same by producing any documents before the court. As per the charge sheet, discloses that there is no offence alleged against the accused/driver of Bolero Goods vehicle for not holding D.L. at

the time of accident. Therefore, respondent No.2 failed to prove that at the time of accident, driver of offending vehicle was not holding valid and effective D.L. The petitioners have proved that the accident was occurred due to rash and negligent driving of Bolero goods vehicle bearing Reg.No.KA-16-D-7804 by its driver. The respondent no.2 is the insurer of the offending vehicle. On perusal of Ex. R.1 policy copy discloses that the policy of offending Bolero goods vehicle bearing Reg.No.KA-16-D-7804 is valid from 9-11-2021 to 8-11-2022, as on the date of accident the insurance of the vehicle is valid. Therefore, the respondent no.1 and 2 are jointly and severally held liable to pay compensation to the petitioners. Therefore, the petitioners are entitle for compensation of **Rs,25,16,360/-** with interest at the rate of 6% p.a.from the respondents from the date of petition till its realization. The respondent No.2 being the insurer of the offending vehicle is primarily held liable to pay compensation to the petitioners.

29. The petitioner no.2 is the mother of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa. Petitioner no.2 has to look after the family and also to give education to petitioner no.3 to 5. Therefore, the petitioner no.2 is entitle for 50% of compensation. The petitioner No.1 is the father, deceased C. Siddesh S/o Channakeshava @ Channakeshavappa is having responsibility of the family. He is entitle for 20 % of compensation, the petitioner No.3 and 4 are elder sisters and petitioner no.5 is the younger brother of deceased C. Siddesh S/o Channakeshava @ Channakeshavappa, hence, they are

entitled for each 10 % of compensation amount. Therefore, I answer **issue No.4 in the partly affirmative.**

30. **ISSUE NO.5:** In view of my findings on above issue I proceed to pass the following:

//O R D E R //

The claim petition filed by the petitioners under Section 166(C) Motor Vehicle Act is hereby partly allowed with costs.

The petitioners are entitled for compensation amount of **Rs,25,16,360/-** along interest at the rate of 6% per annum from the date of petition till its realization.

The Respondent No.1 and 2 are jointly and severally liable to pay the compensation to the petitioners.

Primary liability is fixed on respondent No.2 to deposit the compensation amount as stated supra within 30 days from the date of this order. The compensation awarded to the petitioners is apportioned among them as shown below:

1. 20% to the petitioner No.1.
2. 50% to the petitioner No.2.
3. 10% each to the petitioner No.3 to 5

Out of compensation amount apportioned to petitioner No.2-the mother of deceased C. Siddesh

S/o Channakeshava @ Channakeshavappa, 60% is ordered to be release to her by preparing K.2 bill on her proper identification and balance 40% be deposited in FD in her name in any nationalized or scheduled bank for a period of 3 years with a liberty to her to withdraw periodical interest thereon.

Out of compensation amount apportioned to petitioner No.1-the father, petitioner No. 3 and 4 elder sisters, of the deceased C. Siddesh S/o Channakeshava @ Channakeshavappa, entire amount is ordered to be release to them by preparing K.2 bill on their proper identification.

Out of compensation amount apportioned to petitioner No.5 is ordered to be deposit in his name till attaining the age of majority. The petitioner No.1 being the natural father/guardian of minor petitioner No.5, he is at liberty to withdraw the periodical interest thereon for the welfare of minor children.

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

Draw award accordingly.

(Dictated to the Stenographer directly on computer, computerized by him, corrected and signed by me and then pronounced in the open court on this the 31st day of July 2024)

(Mamatha. D)

Prl. Senior Civil Judge and Addl.
M.A.C.T. - III, Chitradurga,

-: ANNEXURE :-

Witnesses examined for the petitioners :-

PW-1 Channakeshavappa

Documents marked for the petitioners: -

- Ex.P-1 :- True copy of FIR,
- Ex.P-2 :- True copy of complaint
- Ex.P-3 :- True copy of Crime detail form
- Ex.P-4 :- True copy of Inquest
- Ex.P-5 :- True copy of P.M. report,
- Ex.P-6 :- True copy of Vehicle inspection mahazar
- Ex.P-7 :- True copy of Death intimation letter
- Ex.P-8 :- True copy of charge sheet
- Ex.P-9 :- 10 medical bills
- Ex.P-10 :- 4 medical prescriptions
- Ex.P-11 :- Death summary
- Ex.P-12 :- Referral card
- Ex.P-13 :- RTC,
- Ex.P-14 to 19:- Notarized copy of Aadhar card of petitioners
- Ex.P-20 :- Copy of IMV report.

Witnesses examined for the respondents :-

RW-1 :- Sri. Manojkumar

Documents marked for the respondents : -

- Ex.R-1 :- Authorization letter
- Ex.R-2 :- Policy copy.

Prl. Senior Civil Judge and
Addl. M.A.C.T. - III,
Chitradurga,