

KAMD400006392019



**IN THE COURT OF THE SENIOR CIVIL JUDGE &
MACT, AT MALAVALLI.**

PRESENT: SRI. MAHENDRA. M B.A, LL.B.,
Senior Civil Judge & MACT,
Malavalli.

Dated this 1st day of August 2026

M.V.C. No.1993/2019

PETITIONERS:

1. Sri. Sannegowda

S/o Basavegowda
Aged about 65 years,

2. Smt. Thayamma

W/o Sannegowda
Aged about 58 years,

Both are R/at Kembuthagere Village,
Kasaba Hobli, Malavalli Taluk,
Mandya District.

(By. Sri. C.M.N., Adv.,)

-V/s-

RESPONDENT:

1. Sri. Sajithkumar

S/o Jayaramu, Major
R/at Mallurappa Building,
Venkateshappa Layout,

Maralakunte village, Jala
Yelahanka, Bangalore Rural.

**(Owner of Motor cycle
bearing No.KA-04-JL-4574)**

2. Sri. M.G.Ranjith

S/o Govindaiah, Major
R/at Mudigere Village,
Bhukinakere Hobli, K.R.Pete Taluk,
Mandya District.

**(Owner of Motor cycle
bearing No.KA-04-JL-4574)**

**(R1 Placed Ex-parte)
(R2 Absent)**

J U D G M E N T

The petitioners have filed this petition seeking compensation of Rs.30,00,000/- for the untimely death of one Late Dinesha, who lost his life in the accident that occurred on 09.08.2018.

2. The facts of the case of the Petitioner is as follows:

The petitioner No.1 is the father and petitioner No.2 is the mother of deceased Dinesha. The petitioners submitted

that, on 09.08.2018, the deceased Dinesha with an intention to purchase Paddy breeds coming from his village to Malavalli Town as pillion rider in a motorcycle bearing No.KA-11-U-9091 which was ridden by his friend by name Manu of Annahalli Village on the left side of Gowdagere-Amrutheswaranahalli road slowly, steadily and cautiously by observing the road rules and regulations. At about 7.35 p.m., when they reached near the land of Gowdagere Rajappa and at that time, one motorcycle bearing No.KA-04-JL-4574 being ridden by its rider in a very rash and negligent manner at high speed so as to cause endanger to human life and in prosecution of such rash and negligent driving, dashed against the motor cycle and caused the accident. Due to the accident, the said Dinesha thrown to a water canal and sustained grievous injuries to his head, ears and other vital parts of the body and died in the water canal on the spot. Thus, the accident caused entirely due to rash and negligent riding of motorcycle bearing No.KA-04-JL-4574 by its rider only.

3. After the accident, the deceased was taken to hospital for PM examination. After PM examination, the dead body was taken back to the native place in a rented vehicle by paying Rs.5,000/- as taxi charge and performed the funeral and obsequies ceremony by spending Rs.1,00,000/-. On account of the sudden and untimely death of Dinesha, the petitioners have suffered lot of mental shock, pain, agony and suffering.

4. The deceased Dinesha was aged about 30 years having bright future in his life and might have been live another 40 to 50 years and developed his family to the status of modern society and assisted the petitioners by looking after the family affairs. He is the only earning member in the family of the petitioners. Now, the petitioners are facing financial difficulties due to the said accident. The deceased Dinesha was doing agriculture having landed property growing paddy, sugarcane on his own and also doing milk vending and from all the sources he used to earn Rs.20,000/- per month. The deceased was a bread earning member of

the family and the petitioners are the dependents on his income. The petitioner No.1 and 2 have lost love and affection of their son. The accident occurred due to the rash and negligent riding of the rider of motorcycle bearing No.KA-04-JL-4574. The respondent No.1 is the owner and the respondent No.2 is the rider of the offending vehicle, they are liable to pay compensation of Rs.30,00,000/-. **By contending so, the petitioners have prayed for Judgment and decree as prayed for.**

5. After the presentation of the petition, the same was registered and notice was issued. The notice issued to respondent No.1 through paper publication. After publication, the respondent No.1 failed to appear before the court, hence, he has been placed ex-parte. The respondent No.2 appeared before this court personally and prays time to engage counsel. Thereafter, he has not contest the petition. The record show that, the owner and rider of motorcycle bearing No.KA-04-JL-4574 namely Sri. Sajithkumar and Sri. M.G.Ranjith are made as respondent No.1 and 2.

6. The following points are arise for consideration of this tribunal as follows:

POINTS

- 1. Whether the petitioners prove that, the son of petitioner No.1 and 2 by name Sri. Dinesha, died in a road traffic accident on 09.08.2018 at about 7.35 p.m., near Gowdagere Rajappa land, on Gowdagere-Amrutheswaranahalli road, due to rash and negligent driving of motorcycle bearing No.KA-04-JL-4574 by its rider?***
- 2. Whether the petitioners are entitled for the compensation? If so, what amount? from whom? And what interest?***
- 3. What order or award?***

7. To substantiate their contentions, the petitioners have adduced evidence. The petitioner No.1 namely Sri.Sannegowda has examined himself as PW1 and got marked 7 documents as per ExP1 to 7 and ExP7(a). It is interesting to note that, the owner and rider of the aforesaid motorcycle bearing No.KA-04-JL-4574 have not contest the petition.

8. Heard the arguments from learned counsel appear on behalf of the petitioners. Now answers the above Points are as follows:-

- Point No.1: In the Affirmative**
Point No.2: Partly in the Affirmative.
Point No.3: As per the final order for the following:-

REASONS

9. Point No.1 : It is the specific allegation of the petitioners that, on 09.08.2018, the deceased Dinesha with an intention to purchase Paddy breeds coming from his village to Malavalli Town as pillion rider in a motorcycle bearing No.KA-11-U-9091 which was ridden by his friend by name Manu of Annahalli Village on the left side of Gowdagere-Amrutheswaranahalli road slowly, steadily and cautiously by observing the road rules and regulations. At about 7.35 p.m., when they reached near the land of Gowdagere Rajappa and at that time, one motorcycle bearing No.KA-04-JL-4574 being ridden by its rider in a very rash and negligent manner at high speed so as to cause

endanger to human life and in prosecution of such rash and negligent driving, dashed against the motor cycle and caused the accident. Due to the accident, the said Dinesha thrown to a water canal and sustained grievous injuries to his head, ears and other vital parts of the body and died in the water canal on the spot. (Motorcycle bearing No.KA-04-JL-4574 herein after called as “offending vehicle” for brevity). The respondents not contest the petition.

10. To substantiate their contentions, the petitioners have adduced their evidence. The petitioner No.1 namely Sri.Sannegowda has examined himself as PW1. The PW1 has filed his affidavit under order XVIII Rule 4 of CPC in lieu of his examination in chief, wherein he has reiterated entire petition averments. The PW1 has got marked ExP1 to 7 and ExP7(a).

11. It is important to note that, in his chief examination, the PW1 specifically states that, he is the father and the petitioner No.2 is the mother of deceased Dinesha.

In examination in chief of PW1 and petition has specifically stated that, the petitioner No.1 and 2 are the father and mother of deceased Dinesha. It becomes clear that, the examination in chief of PW1 does some material points. Here this tribunal seek to cite the ratio laid down in the decision reported in ***AIR 2002 SC page No.3651 in the case of Saravana Singh V/s State of Punjab.*** In this decision, the Hon'ble Apex Court has concluded that **"Whenever an opponent does not avail himself of the opportunity of cross examining their witness on essential points, then, the evidence adduced by that witness, on that issues or question, has to be accepted as true and correct"**.

12. Keeping in view the ratio laid down in the aforesaid **Saravana Singh's case**, again this Tribunal say that in the examination-in-chief of PW1 there is a specific mention about the relationship of the Petitioners with the deceased person. Therefore, the ratio laid down in the aforesaid decision is squarely applicable to the facts and

circumstances of this case. Hence, whatever the evidence given by PW1, to the effect that, the Petitioner No.1 and 2 are the father and mother of the deceased person has to be accepted as true and correct. Thus, this Tribunal conclude that the Petitioner No.1 and 2 are the father and mother of the deceased Dinesha.

13. It is relevant to note that the Exp3 is the Charge Sheet or final report. The Exp3 shows that the jurisdictional police, after investigating the case, have filed the Charge Sheet, wherein Sri. Gowtham is cited as eye witness. The petitioners are not examined the eye witness. Thus, the Tribunal has to peruse the other evidence available on record to decide this question.

14. It is important to note that, according to petitioners the deceased Dinesha was traveling as a pillion rider in a motorcycle on the left side of Gowdagere-Amrutheswaranahalli Road. The said fact not denied by the respondents. The respondent No.1 failed to appear before

the court and the respondent No.2 appeared before the court but, not contest the petition. Thus, in opinion of the Tribunal that having regard to the over all facts and circumstances of this case, this court can conveniently say that even the rider of the offending vehicle had contributed for the occurrence of the accident.

15. At this juncture, it is worth to refer the judgment reported in 2021 (2) KCCR 1478 in the case between National Insurance Co. Ltd., by its Branch Manager Bellary V/s Ningamma and others.,

Motor Vehicles Act, 1988 Section 166, Death due to accident. Insurance pleading that death did not occur due to accident, but due to lightening. The documents such as FIR, complaint and spot Panchanama showing that offending vehicle was involved and its driver had caused the accident. Insurance also not challenged the charge-sheet filed against driver of offending vehicle. The plea of insurer not sustainable.

16. The respondents are not denied the occurrence of the accident. The petitioners have produced several

documents. ExP1 is the True copy of FIR, ExP2 is the True copy of complaint, ExP3 is the True copy of Charge sheet, ExP4 is the True copy of Spot mahazar, ExP5 is the True copy of PM report, ExP6 is the True copy of IMV report, ExP7 is the “Kemmugilu” Daily newspaper and ExP7(a) is the portion of paper publication.

17. The ExP1 it reveals that the jurisdiction Police have registered the case against the rider of the said offending vehicle. The ExP3 charge sheet showing that the investigating officer filed charge sheet against the rider and owner of offending vehicle. The postmortem report and the final opinion of the Doctor who conducted the postmortem opinion that the cause of death is due to head injury sustained have pointed towards the rider of the offending vehicle. In terms of the opinion in the postmortem report, it is clear that the death is due to the impact of the accident.

18. Let us discuss about whether the offending vehicle was holding valid insurance and the rider of the offending

vehicle holding valid driving license? In respect of insurance and driving license the police have submit the charge sheet and registered the case against the respondents. On perusal of Exp3 True copy of charge sheet reveals that, the investigation Officer filed charge-sheet against the respondent No.1 the owner and the respondent No.2 the rider of the offending vehicle for the offenses punishable under section 279, 338 and 304(a) of IPC R/w Section 3 of 181, 66 R/w 192, 196, 5 of 180 of IMV Act. It is clear that, the rider of offending vehicle not having valid driving license and the offending vehicle not have valid insurance at the time of accident.

19. In terms of the FIR registered against the rider and owner of the offending vehicle, the police have also filed charge sheet alleging that, the rider and owner were guilty of the offense punishable under Sections 279, 338 and 304(a) of Indian Penal Code R/w Section 3 of 181, 66 R/w 192, 196, 5 of 180 of IMV Act. Thus, in all the circumstances put together, the involvement of the vehicle in the accident, registration of

FIR, report of the inspector of motor vehicle, postmortem report and the charge sheet filed by the police against the rider and owner, would unmistakably indicate that, the death of the deceased person was due to the accident caused by the rash and negligent riding of the rider of offending vehicle.

Therefore, this Tribunal answer the Point No.1 in the affirmative.

20. **Point No.2 :** It is the contention of petitioners that, prior to accident, deceased Dinesha was hale and healthy and doing agriculture having landed property growing paddy, sugarcane on his own and also doing milk vending. The deceased all the sources earning Rs.20,000/- per month. The petitioners being the father and mother of deceased are entirely depending on his earnings. The deceased Dinesha, was aged about 30 years and given the entire earning to the family for maintenance. It is argued by the learned counsel for the petitioners that, deceased is the son of petitioner No.1 and 2. He was hale and healthy and looking after the family affairs and maintaining the family and he was the only

earning member in the family and the entire family members were mainly depending upon his income. Due to untimely death of said Dinesha, the petitioners have lost dependency.

LOSS OF DEPENDENCY

21. Whether petitioners can be considered as dependents of the deceased is the question. This court has relied upon the decision of **Hon'ble Apex court reported in 2022 (13) SCC 494 between Oriental insurance company Limited V/s Kahlon @ Jasmail Singh Dead by LR's and another.** In para No.9 of the said decision the Hon'ble Apex court observed as follows:

“Giving a broad liberal interpretation to the provisions of the Act so that legal representative due not suffer injustice, it was observed that the claim for personal injuries will not survive on death of the injured unrelated to the accident but the legal representative could pursue the claim for enhancement of the claim for loss of the estate which would include expenditure on medical expenses, traveling, attendant, diet, doctor fee and reasonable monthly annual accretion to the estate for a certain period. It is trite that the income which a person

derives compositely forms part of the expenditure on himself his family and the savings go to the estate. The unforeseen expenses as aforesaid natural have to be met from the estate cause in pecuniary loss to the estate”.

22. As per the above decision is aptly applicable to present facts and circumstances of the case. This Tribunal also relied upon decision of **Hon’ble High Court of Karnataka rendered in M.F.A No.102868 of 2014 (M.V.D) between Reliance General Insurance Company Limited V/s Gangapp Saunshi and others.** Wherein the Hon’ble High Court of Karnataka held that, **“Even if the dependency is relevant criteria to claim compensation for loss of dependency, it does not mean financial dependency and the dependency includes gratuitous service dependency, physical dependency, emotional dependency and pshcological dependency so an and so forth, which can never be equated in terms of the money. Even married sons and daughters are entitled for compensation not only on conventional heads, but**

also on loss of dependency". The petitioner No.1 is the father and petitioner No.2 is the mother of deceased Dinesha. Therefore, it is very much clear that during his lifetime the deceased was residing with petitioners. Now the question before the court is whether petitioners who are major be considered as dependents or not?. The mother only dependent of deceased bachelor by name Dinesha. Hence, the petitioner No.2 is only considered as dependent of deceased. The petitioner No.1 has not produced any documents to show that, he is the dependent of the deceased.

23. The **Hon'ble Supreme court in the decision reported in (2020) 11 SCC 356 in the case between National insurance company Limited V/s Virender and others,** observed that, **"In Manjuri Bera (supra) had expounded that liability to pay compensation under the Act does not cease because of absence of dependency of the concerned legal representative. Notably, the expression "legal representative" has not been defined in the Act.**

"In Manjuri Bera (supra), the Court observed thus :-"9. In terms of clause (c) of sub-section (1) of Section 166 of the Act, in case of death, all or any of the legal representatives of the deceased become entitled to compensation and any such legal representative can file a claim petition. The proviso to said sub-section makes the position clear that where all the legal representatives had not joined, then application can be made on behalf of the legal representatives of the deceased by impleading those legal representatives as respondents.

The Hon'ble Supreme court also observed that,

"In paragraph 15 of the said decision, while advertng to the provisions of Section 140 of the Act, the Court observed that even if there is no loss of dependency, the claimant, if he was a legal representative, will be entitled to compensation. In the concurring judgment of Justice S.H. Kapadia, as His Lordship then was, it is observed that there is distinction between "right to apply for compensation" and "entitlement to compensation". The compensation constitutes part of the estate of the deceased. As a result, the legal representative of the deceased would inherit the estate. Indeed, in that case, the Court was dealing with the case of a married daughter of the

deceased and the efficacy of Section 140 of the Act. Nevertheless, the principle underlying the exposition in this decision would clearly come to the aid of the respondent Nos. 1 and 2 (claimants) even though they are major sons of the deceased and also earning.

"It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the concerned legal representative was fully dependent on the deceased and not to limit the claim towards conventional heads only. The evidence on record in the present case would suggest that the claimants were working as agricultural labourers on contract basis and were earning meagre income between Rs.1,00,000/- and Rs.1,50,000/- per annum. In that sense, they were largely dependent on the earning of their mother and in fact, were staying with her, who met with an accident at the young age of 48 years.

24. In view of the law laid down by the Hon'ble Supreme court, it is the bound and duty of the Tribunal to consider the application irrespective of the fact whether the legal representative concerned was fully dependent on the deceased and not to limit the claim towards conventional heads only. The deceased died at the age of 30 years and residing with petitioners and if he was alive, definitely he would have contributed his earnings to the petitioner No.2 as well. Therefore, it cannot be said that, the petitioner No.2 is not dependent.

25. Compensation towards loss of love and affection

Petitioner No.2 being the mother of the deceased has lost her son's love and care. Bearing in mind the relationship of the petitioner No.2 with the deceased, I am of the opinion that, awarding compensation of **Rs.50,000/- under this head would be just and reasonable.**

26. The petitioners have taken a contention that, prior to accident, deceased Dinesha was hale and healthy and

doing agriculture having landed property growing paddy, sugarcane on his own and also doing milk vending and from all the sources he used to earn Rs.20,000/- per month. In this regard, the petitioners have not produced the supporting documents. Therefore, it is necessary to consider notional income of the deceased. The Hon'ble High court of Karnataka has prepared chart for the purpose of deciding the matters at Lok Adalath. According to the chart, for an accident of the year 2018, notional income fixed is at Rs.12,500/- per month. Accordingly, monthly income of deceased is fixed at Rs.12,500/-. The deceased died leaving behind him, 2 petitioners as the dependents as per cause title of the petition. The deceased was bachelor and died at the age of 30 years. Therefore, as per **Sarla Verma's** case, 50% of the income shall be deducted towards his personal living expenses. Accordingly, monthly income of deceased is fixed at Rs.6,250/-. If that is the case, his yearly income would be Rs.75,000/-. As per the PM report and inquest report the age of the deceased is 30 years. Hence, this court taken the age

of deceased is 30 years. If the age of deceased is taken into consideration, as per the table given in **Sarala Varma's** case by the Hon'ble Supreme court, the multiplier applicable is 17. Therefore, loss of dependency would be $6250 \times 12 \times 17 = 12,75,000/-$. Admittedly, the deceased was self employed and he died at the age of 30 years. In view of the law laid down by the **Hon'ble Apex Court in the case of National Insurance Company Vs. Pranay Sethi and others reported in (2017) 16 SCC 680**, In addition to the said income, the petitioner No.2 is entitled 40% of the income as future prospect, which would be Rs.17,85,000/-. Therefore, in my opinion the petitioner No.2 is entitled for **Rs.17,85,000/- Towards loss of dependency.**

27. At this juncture, this Tribunal relying upon judgment of **Hon'ble Supreme court in National insurance company Limited V/s Pranay Sethi reported in (2017) 16 SCC 680**. In the said judgment, Hon'ble Supreme court held that,

Reasonable figures on conventional heads, namely loss of estate, loss of consortium and funeral expense 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 the every three years. By considering the same, three years already elapsed as such the petitioners are entitled to get 10% enhancement under the conventional heads.

28. In view of the law laid down in the said judgment by the Hon'ble Supreme court, reasonable figures on conventional heads, namely loss of estate, loss of consortium and funeral expense should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. Further, the aforesaid amounts should be enhanced at the rate of 10% in the every three years. By considering the same, since the three years has been elapsed as such the petitioner No.2 is entitled to get 10% enhancement under the conventional heads. The petitioner No.2 being the dependent of deceased is entitled for compensation on conventional heads, namely loss of

estate, loss of consortium and funeral expenses under the conventional heads.

29. The Hon'ble Supreme court in the decision reported in **(2018) 18 SCC 130** in the case between **Magma General Insurance Co. Ltd., V/s Nanu Ram @ Chururam**, held as under:-

A Constitution Bench of this Court in Pranay Sethi (supra) dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is Loss of Consortium.

In legal parlance, "consortium" is a compendious term which encompasses 'spousal consortium', 'parental consortium', and '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.

Spousal consortium is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, co-operation, affection, and aid of the other in every conjugal relation."

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."

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, affection, companionship and their role in the family unit.

Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. 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 a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the 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.

30. The petitioner No.2 is claiming to be the mother of deceased. As stated above, during life time of deceased was staying with petitioner No.2. Therefore, as per the aforementioned decisions, the petitioner No.2 being the mother entitled for Filial consortium of Rs.44,000/-. Accordingly, the petitioner No.2 is entitled for **Rs.44,000/- under the heads of Filial consortium.**

31. The petitioners have contended that, they have also spent Rs.5,000/- towards transportation of dead body and Rs.1,00,000/- towards funeral expenses and obsequies ceremony. Therefore, they have claimed compensation of the said amount towards, Transportation, funeral expenses and obsequies ceremony. The injured was died and P.M. was conducted, after P.M., the dead body was shifted to petitioners village. Hence, there is some distance between both the places. Therefore, the petitioners might have spent some amount towards transportation of dead body of the deceased. But there is no evidence to show the exact amount which they have spent. Hence, baring in the mind of

the distance between Malavalli hospital to place of burial.

I am of the opinion that, awarding compensation of Rs.5,000/- under this head would be just and reasonable.

However, in view of the law laid down by the **Hon'ble Apex Court in the case of National Insurance Company Vs. Pranay Sethi and others referred to supra**, the petitioner No.2 is entitled to **Rs.16,500/- towards funeral expenses and obsequies ceremony**. Accordingly, she is entitled for compensation under the head of **loss of estate at Rs.16,500/-**. In view of the General principles laid down by the Hon'ble Supreme Court in **Pranay Sethi** case referred to above and also in a recent judgment in the case of **N.Jayashree and others V/s Cholamandalam MS General Insurance company Ltd**, which is published in **2021 SCC Online SC 967**, the petitioner No.2 is entitled for compensation in the following heads:

- | | | |
|-----------------------------|---|----------------|
| 1. Loss of dependency | - | Rs.17,85,000/- |
| 2. Loss of Love & affection | - | Rs. 50,000/- |
| 3. Loss to estate | - | Rs. 16,500/- |
| 4. Funeral Expenses | - | Rs. 16,500/- |

5. Loss of filial consortium to the petitioner No.2	-	Rs.	44,000/-
6. Expenses of transportation of dead body	-	Rs.	5,000/-
Total	-	Rs.	Rs.19,17,000/-

Thus, the petitioner No.2 in all entitled for compensation of **Rs.19,17,000/-** (Rupees Nineteen Lakh Seventeen Thousand only).

LIABILITY

32. In this case, it is held that, the accident had taken place entirely due to rash and negligent riding of motorcycle bearing No.KA-04-JL-4574 by the rider i.e. respondent No.2. It is pertinent to note, the respondent No.1 and 2 did not contest the petition. In view of the above discussion, at the time of accident, the driver of the offending vehicle had no valid driving license and the offending vehicle not insured. Hence, the respondent No.1, the owner of the offending vehicle is liable to pay the compensation amount to the petitioner No.2.

INTEREST

33. So far as the interest is concerned, the petitioner has claimed interest at the rate of 18% per annum from the date of petition till realization. Though she has claimed 18% interest on the compensation amount, having regard to the facts and circumstances of the case and other attendant circumstances and also in the light of the ratio laid down by the Hon'ble Apex Court in the case between **Neeta V/s DM. MSRTC** reported in **(2015) 3 SCC 590** and in the case of **Eruchaya Priya V/s State Express Transport Corporation Ltd**, published in **2020 SCC Online SC 601**, the opinion of the Tribunal that, it is proper to award 9% future interest on the compensation amount from the date of petition till its entire realization. In view of the above detailed discussion, I answer **Point No.2 partly in the affirmative.**

34. **Point No.3:** For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 166 of Indian Motor Vehicle Act, is hereby allowed in part.

The petitioner No.2 is entitled for compensation of **Rs.19,17,000/-** (Rupees Nineteen Lakh Seventeen Thousand only) with interest at 9% per annum on the compensation amount from the date of filing of petition till its entire realization.

The petition filed by the petitioner No.1 is dismissed.

The petition filed against respondent No.2 is dismissed.

The Respondent No.1 being the owner of the offending vehicle is directed to deposit the compensation amount within 2 months from the date of award.

Out of the compensation amount aforementioned in favour of petitioner No.2, the respondent No.1 is hereby

directed to transfer 50% of the award amount with interest to the bank account of petitioner No.2 within 2 months from the date of award.

Out of the compensation amount aforementioned in favour of petitioner No.2, the respondent No.1 is hereby directed to kept the remaining 50% of award amount in Fixed Deposit in the name of petitioner No.2 for a period of 3 years before any nationalized bank.

Advocates fees is fixed at Rs.1,000/-.

Petitioner No.2 shall submit affidavit furnishing petitioner nationalized bank account details with IFSC along with canceled cheque having petitioners name within 30 days from today. Petitioner No.2 shall also submit copy of bank account passbook, Aadhar card and Pan card. The counsel for the petitioner shall verify the authenticity of the details and submit the same to the office along with memo.

Pending clerk and CMO shall verify and endorse the correctness of the bank details in the order sheet to enable drawing of the award.

Office to include all above details of petitioners and draw award after receipt of memo from the counsel for the petitioners.

The respondent No.1 shall transfer the award amount to the bank account specified in the award and intimate to this tribunal.

Failure to furnish aforesaid details within 30 days shall dis-entitle the petitioners to interest until such compliance.

(Dictated to the Stenographer, directly typed by her on the computer, Order corrected and signed by me, then pronounced by me in the Open Court on this the **1st day of August-2026**).

(MAHENDRA.M)
Senior Civil Judge & MACT,
Malavalli.

ANNEXURES**Witnesses examined on behalf of the petitioners:**

PW1 - Sri. Sannegowda

Documents exhibited on behalf of the petitioners:

Exp1 - True copy of FIR.
Exp2 - True copy of Complaint.
Exp3 - True copy of Charge sheet
Exp4 - True copy of Spot mahazar
Exp5 - True copy of Postmortem Report
Exp6 - True copy of I.M.V. report
Exp7 - "Kemmugilu" daily newspaper
Exp7(a) - Portion of paper publication

Witnesses examined on behalf of the Respondents:

-Nil-

Documents exhibited on behalf of the Respondents:

-Nil-

(MAHENDRA.M)
SENIOR CIVIL JUDGE & MACT,
MALAVALLI.