

KAVN50002661.2024



**IN THE COURT OF THE SENIOR CIVIL JUDGE
& VII AMACT, HARAPANAHALLI**

Dated this the 2nd Day of May 2026

PRESENT

Smt. Usharani. R. B.A.L., LL.M.,
Senior Civil Judge and Addl. MACT.,
Harapanahalli.

M.V.C. No.866/2024

1. Sri.Basavaraja Vaddina s/o late Vaddina Kumaraswamy, aged about 40 years, Occ: Contract labourer,
2. Sri.Nagaraja. V s/o late Vaddina Kumaraswamy, aged about 37 years, Occ: Coolie,
3. Smt. Manjula w/o Mallikarjuna, aged about 36 years, Occ:Housewife,

All are R/o. House No.21/8, 7th ward, Near Veeearashaiva Kalyana Mantapa, Main Bazar, Sandur Town, Ballari District Now residing at Adavihalli village, Harapanahalli Taluk, Vijayanagara District.

..... Petitioners

(By Sri.M.V./S.J.K, Advocate)

-Vs-

1) Sri. Raghavendra, aged about 40 years, Driver of K.S.R.T.C bus bearing reg. No.KA-33/F-0550, K.K.R.T.C, Hagaribommanahalli Depot, Vijayanagara District.

2) The Divisional Controller, Hosapete Division, K.K.R.T.C bus bearing its registration No.KA-33/F-0550, K.K.R.T.C, Vijayanagara District.

3) The Managing Director, Central Office, Sarige Bhavana, K.H. Road, Shanthinagara, Bengaluru.

.....Respondents

**(Respondent No.1 and 3 placed exparte)
(By Sri. V.G.P Advocate for R.2)**

JUDGMENT

This claim petition has arisen out of the accident that took place on 15.05.2024.

2. Brief facts of the case: On 12.05.2024 the deceased Smt.Vaddina Gangamma w/o Vaddina Kumaraswamy proceeding in the K.S.R.T.C Bus as an inmate. She had gone to Dharmasthala and was returning on 15.05.2024. At about 2.30 am the bus stopped on the platform of K.S.R.T.C Bus stand of Bhadravathi. At that time Smt.Vaddiana Gangamma got down from the bus and was urinating at a little distance. At that

time the K.S.R.T.C Bus bearing registration No.KA-33/F-0550 came from back side of the bus of the petitioner and tried to park on the platform. Since the Smt.Vaddina Gangamma urinating the bus wheel ran on the left leg of the deceased Smt.Vaddina Gangamma. When people shouted Smt.Vaddina Gangamma was rescued. She was taken to Government Hospital at Bhadravathi where she was declared to be dead.

3. It is averred that prior to the accident deceased Smt.Vaddina Gangamma w/o Vaddina Kumaraswamy was hale, healthy and she was aged 60 years. Petitioners averred that deceased was doing household work. The petitioner No.1 to 3 have lost the love and affection of the deceased Smt. Vaddina Gangamma w/o Vaddina Kumaraswamy. Petitioner No.1 to 3 are the children of the deceased. Hence, the present petition seeking compensation of Rs.25,00,000/-.

4. In response to the service of notice, the respondents No.1 and 3 remained absent and are placed exparte. Respondent No.2 appeared through counsel and filed objections to the claim petition.

5. Respondent No.2 has in the objections contended that, the petition is false, vexatious and not maintainable in law. He denied the age, income and occupation of the deceased Smt.Vaddina Gangamma w/o Vaddina Kumaraswamy and the manner of accident. The claim is excessive and exorbitant. Smt.Vaddina Gangamma was aged more than 70 years. There was no income and there is no loss sustained by the petitioners. Accident occurred due to the personal negligence of the deceased. Thus prays to dismiss the claim petition.

6. This tribunal has framed the following:-

ISSUES

1) Whether the petitioners prove that Vaddina Gangamma w/o Vaddina Kumaraswamy sustained fatal injuries in the accident that occurred on 15.05.2024 at 2.30 AM. when she was urinating in front of 7th platform in the K.S.R.T.C Bus stand due to the rash and negligence of driver of K.S.R.T.C. Bus bearing registration No.KA-33/F-0550?

2) Whether the petitioners are entitled for compensation? If so, what would be the quantum? Who is liable the pay compensation?

3) What order or award?

7. In order to prove the case, the petitioner No.1 examined himself as PW.1 and got marked Ex.P.1 to P.20 and . Per contra, the respondent has examined RW.1 and got marked Ex.R.1.

8. Heard arguments canvassed on both sides and perused documents on record.

9. My findings on the above issues is as under:

Issue No.1 : In the affirmative
Issue No.2 : In the affirmative;
as observed,
Issue No.3 : As per the final order,
for the following;

REASONS

10. **Issue No.1:-** In order to prove the factum of the accidental death of Vaddina Gangamma w/o Vaddina Kumaraswamy the

petitioner No.1 Sri.Basavaraja Vaddina who is the son of the deceased examined himself as PW-1 and has reiterated the petition averments by filing affidavit in lieu of examination in chief. He deposed about the accident and that his mother has sustained fatal injuries.

11. PW. 1 has got marked the police documents at Ex.P.1 to P.10 in order to prove about the occurrence of the accident. Ex.P.1 is the certified copy of F.I.R filed in Crime No.35/2024 filed by the Bhadravathi Police Station, Ex.P.2 is the certified copy of complaint filed by the petitioner No.1. Ex.P.3 is the certified copy of spot panchanama. Ex.P.4 is the certified copy of spot sketch. Ex.P.5 is the certified copy of photographs. Ex.P.6 is the certified copy of vehicle seizure panchanama. Ex.P.7 is the certified copy of charge sheet filed in crime No.35/2024 filed by the Bhadravathi Police. Ex.P.8 is the certified copy of inquest panchanama of Vaddina Gangamma w/o Vaddina Kumaraswamy

12. Ex.P.9 is the certified copy of the postmortem report of Vaddina Gangamma w/o

Vaddina Kumaraswamy aged 60 years, who died due to sever hemorrhage and shock due to compressed injury over vital organs and major vessels of the body. The post mortem findings are consistent with history of death due to road traffic accident.

13. Ex.P.10 is the true copy of IMV report which shows no damages found on bus bearing registration No.KA-33/F-0550. The IMV inspector has opined that the accident was not due to any mechanical defects of vehicle.

14. Ex.P 2 is the true copy of the complaint which shows that petitioner No.1 had filed the complaint before the Bhadravathi Police Station alleging about the accident that took place on 15.05.2024 Complaint is lodged on 15.05.2024. Complaint is lodged on same day and there is no delay in filing the complaint. Ex.P1 shows that the Bhadravathi Police have filed FIR in crime No.35/2024 against the accused Raghavendra, Driver of KSRTC Bus bearing registration No. KA-33/F-0550 alleging offences under Section 279, 304(A)of IPC.

15. Ex.P-7 is the certified copy of charge sheet which reveals that after the investigation police have filed the charge sheet against the accused Sri.Raghavendra s/o Veerabhadraiah who is the driver of the K.S.R.T.C Bus bearing registration No. KA-33/F-0550 alleging the offences under Section 279 and 304(A) of IPC. Charge reveals that the accused drove the said bus in a rash and negligent manner endangering to human life and dashed to Vaddina Gangamma w/o Vaddina Kumaraswamy who was urinating on the side of the platform. Vaddina Gangamma w/o Vaddina Kumaraswamy sustained fatal injuries and succumbed.

16. These police documents goes to show that, there was an accident as alleged in the petition. The manner of accident is denied by the respondents.

17. Ex.P.11 is the authority letter. Ex.P.12 is certificate regarding validity of documents. Ex.P.13 is the certified copy of registration certificate of the offending bus. Ex.P.14 is the break down report. Ex.P.15 is the certificate which shows that the respondent No.1 was the

driver of the offending of bus. Ex.P.16 is the copy of the identity card of Raghavendra. Ex.P.17 is the copy of the driving license of Raghavendra. Ex.P.18 is the copy of the aadhar card of Raghavendra. Ex.P.19 is the rent agreement of petitioner no.1 who is residing at Adavihalli village house. Ex.P.20 is the certified copy of order sheet in C.C. No.4391/2024.

18. In the cross-examination by the learned counsel for respondent No.1, PW.1 has denied that, he had not witnessed the accident. He admitted that there is separate toilet available in the bus stand. He admitted that he was not with Gangamma at the time of accident. He denied that due to focus light of the bus Smt.Gangamma herself fell. He denied that there was no negligence of the driver of the bus.

19. Respondent No.1 Sri. Raghavendra s/o Veerabhadraiah has examined himself as RW1. He denied the petition allegations and according to him the accident caused on 15.05.2024 was due negligence of deceased herself. He was not at fault. He is not liable to pay compensation. He

got marked authorization letter is marked as Ex.R.1.

20. In the cross examination RW.1 admitted that he was driver of the on the KSRTC bus. He admitted that police have filed charge sheet against him and charge sheet is not challenged. He stated that they have already paid Rs.25,000/- for funeral of the deceased.

21. Thus the evidence of PW.1 and RW1 coupled with the police documents Ex.P-1 to P-10 is sufficient to hold about the occurrence of the accident.

22. It is also apparent that, the charge sheet is filed against the accused Sri.Raghavendra s/ Veerabhadraiah who is the driver of the bus bearing registration No.KA-33/F-0550 alleging the offences under Section 279, 304(A) of IPC.

23. Further nothing is brought out to hold that I.O has filed a false case only help the claimants. I.O is a public servant who is neither friend of the petitioner nor foe of the respondents. There is nothing to disbelieve police documents.

24. In a case of accident, it is not mandatory to prove the guilt of the accused beyond all reasonable doubts. For the purpose of claim petition mere proof of accident due to negligence is sufficient. The degree of proof is proof by preponderance of probabilities. In this regard it is beneficial to rely on the decision reported in 2009 ACJ 287 in the case of National insurance company Vs Pushpa Rama and others wherein it was held that, the true copy of the criminal court records such as FIR recovery memo and mechanical inspection of vehicle are documents of sufficient proof to reach the conclusion that the driver was negligent. Proceedings under Motor Vehicles Act are not akin to proceedings in a civil suit and hence strict rules of evidence are not required to be followed in this regard. Thus as per the ratio laid down in the quoted ruling and on the basis of the police documents coupled with ocular evidence of PW. 1 it is sufficient to answer that, the accident was due to rash and negligence of driver of the bus. Charge sheet is not challenged. Occurrence of accident is also not seriously disputed. Thus this tribunal is of the considered opinion that, the accident was due to actionable negligence on part of the driver of

offending bus which resulted in injuries to the petitioner. Hence, I am inclined to answer this Issue No. 1 in the affirmative.

25. **Issue No.2:** Regarding the entitlement of compensation the petitioners have claimed that, they are the children of deceased Vaddina Gangamma w/o Vaddina Kumaraswamy. The relationship is not disputed. The entitlement of compensation are as under:-

26. **Funeral and transportation expenses:** The deceased Vaddina Gangamma w/o Vaddina Kumaraswamy was resident of Kanavihalli. The accident occurred near limits of Kanavihalli and he succumbed due to the accidental injuries. The fact that the dead body was transported to his residence and conducted funeral cannot be ruled out. Thus the petitioners might have spent some amount towards funeral and transportation expenses.

27. As per the ruling reported in 2014 SLP Civil 25590 of 2014 in the case of National insurance company Ltd V Pranay Shetty and others petitioner no 2 is entitled for Rs 15,000/-

as transportation of dead body and funeral expenses. Thus towards funeral and transportation expenses petitioner is entitled for Rs. 15,000/-. The classic judgment was delivered on 31 October, 2017 and the Honble Supreme court has observed in Para 61 (viii)" Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively.

28. The classic judgment was delivered on 31 October, 2017 and the Honble Supreme court has observed in Para 61 (viii)" Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years". Thus the time is apt for a raise of 10 %. Thus petitioner No.1 being the son is entitled for Rs 16,500/- as compensation for transportation of dead body and funeral expenses.

29. Loss of parental consortium: In the recent decision of the Hon'ble Supreme Court in

United India Insurance Co. Ltd. Vs. Satinder Kaur @ Satwinder Kaur & Ors. 2020 SCC OnLine SC 410 the Hon'ble Apex Court relying on Pranay Sethi and Magma General Insurance Co. Ltd. awarded the compensation under conventional head at Rs.70,000/- i.e. towards loss of estate at the Rs.15,000/-, funeral expenses Rs.15,000/-. Spousal consortium at at Rs.40,000/- and parental consortium to the children at Rs.40,000/- each.

30. Similar principles have to be followed even in this case. Vaddina Gangamma w/o Vaddina Kumaraswamy the mother of the petitioner No.1 to 3 died in the motor vehicle accident. Petitioner No.1 to 3 have lost the love and affection of the mother her aid and care. Premature death of Vaddina Gangamma w/o Vaddina Kumaraswamy has caused loss of her care love, and affection Thus petitioner No.1 to 3 are entitled for Rs 40,000/ - compensation for the loss of parental consortium. At 10% enhanced rate the petitioner No.1 to 3 are entitled for parental consortium of Rs.44,000/- each.

31. Loss of estate: Petitioners would have succeeded to the estate of the deceased Smt.Vaddina Gangamma w/o Vaddina Kumaraswamy. The loss of the earning member has caused loss of estate. Hence petitioner No.2 is entitled for Rs 15,000/- towards loss of estate. At enhanced 10% rate the petitioner No.2 is entitled for Rs 16,500/- as compensation for loss of estate.

32. Loss of dependency: In this case, as per the pleadings, the deceased Smt.. Vaddina Gangamma w/o Vaddina Kumaraswamy, was aged about 60 years. According to the petitioners, deceased Vaddina Gangamma w/o Vaddina Kumaraswamy was house wife. To prove her income petitioners have not produced any documents.

33. Definitely petitioners are major and are not dependents. Moreover there is no evidence to hold that the petitioners were incapable of earning for themselves or had some infirmity so as to render them incapable of earning. The petitioner No.3 is a married daughter. She is dependent upon her husband and not the mother.

34. So also there is no evidence to hold that the major sons were totally dependent on the mother's income. Married daughter is dependents of her husband and not mother. Thus there is no loss of dependency in strict terms. However, contribution of the deceased to the family cannot be denied.

35. There are a plethora of cases wherein guidelines have been given for considering compensation where deceased was a housewife. In ILR 1990 Kar. 3590 in the case of Y. R. Nagaraju V/s. United India Fire & Gen. Insurance Co. Ltd.)

36. A Division Bench of our Hon'ble High Court has held that even the services of a Housewife can be sounded in terms of money.

37. In the case of Lata Wadhwa and Others v. State of Bihar and Others reported in 2001 ACJ 1735, the Honble Supreme Court held that notional income of Rs.3,000/- should be awarded for house wives, fixed Rs.3,500/- as monthly income. The monetary quantification of the work

done by the women at home is something that has not been really assessed.

38. 2004 (1) Kar.L.J. 520 (D.B.) in the case of H. V. RANGARAJU V/s. MAQBUL PASHA AND ANOTHER

M. V. Act Sec.168 & 163A and Second Schedule – Death of young house wife newly married – Determination of compensation where claimant husband had re-married – though house wife is non earning person, services rendered by her to husband and family to be evaluated in terms of money – Such valuation cannot go below Rs.15,000/- per annum, which is notional income statutorily prescribed for compensation in respect of those who had no income prior to accident – based on this notional income, after deducting there from 1/3rd of it towards her notional personal expenses, her contribution to family works out to Rs.10,000/- per annum.

39. 2004(1) KCCR 238 (D.B.) in the case of RANGAPPA & OTHERS V/s. MAHALINGAPPA & OTHERS

40. Determination of compensation for the death of a house wife in a motor accident. The value of services rendered by house wife can be taken as Rs.36,000/- per annum.

41. 2005 ACJ 89 [Kant DB] in the case of Rangappa V/s. B.L. Mahalingappa & others

Fatal accident – Principles of assessment – Conventional heads – Tribunals have been awarding compensation under conventional heads at the same rates at which they use to award decades back. Compensation under these heads should also be reasonable and adequate having regard to changed circumstances in money value.

42. In the case of National Insurance Co. Ltd vs Minor Deepika in 2009 The Honble Madras High court has observed thus:

“The role of a housewife includes managing budgets, co-ordinating activities, balancing accounts, helping children with education, managing help at home, nursing care etc. One formula that has been arrived at determines the value of the housewife as, Value of housewife =

husband's income wife's income + value of husband's household services, which means the wife's value will increase inversely proportionate to the extent of participation by the husband in the household duties.

43. Thus having regard to the observations made in all these cases taking note of the fact that the accident took place in the year 2024 and as there are no documents show that deceased was actually having income agricultural work, her income is notionally is assessed as Rs 10,000/- per month. So, the annual income of the deceased will be Rs.1,20,000/- per annum

44. As per postmortem report deceased was aged 60 years at the time of accident. The deceased was married and had three children. Therefore, in the light of evidence in this case, the deduction for personal expenses is to be taken as 1/3rd which comes to Rs 40,000/- Thus the annual income for the purpose of calculating the loss of dependency is Rs. 80,000/-.

45. For the age of 60 years the multiplier applicable as per case law reported in AIR 2009

SCW .3014 in case of Sarla Verma and Others V/s Delhi Transport Corporation and Others is “9”. Hence, the calculation of the said loss of dependency is as under: Annual Income of Rs.80,000/- X 9 = Rs.7,20,000/- Hence, the petitioner no 1 to 3 are entitled for loss of dependency of Rs 7,20,000/-.

46. Since, the petitioner No.3 is married daughter, she is entitled for only Rs.2,00,000/- as compensation. Hence out of the above stated amount Rs.2,60,000/- each shall be awarded to the petitioner No.1 and 2.

47. Hence, the petitioner no 1 is entitled for compensation as under:

Loss of parental consortium	Rs.44,000/-
Towards Funeral and transportation charges	Rs. 16,500/-
Loss of dependency	Rs.2,60,000/-
Total	Rs. 3,20,500/-

48. The petitioner no 1 is entitled for compensation of Rs.3,20,500/- (Rupees Three Lakhs Twenty Thousand and Five Hundred only).

49. The petitioner no 2 is entitled for compensation as under:

Loss of parental consortium	Rs.44,000/-
Loss of estate.	Rs. 16,500/-
Loss of dependency	Rs.2,60,000/-
Total	Rs. 3,20,500/-

50. The petitioner no 2 is entitled for compensation of Rs.3,20,500/- (Rupees Three Lakhs Twenty Thousand and Five Hundred only).

51. The petitioner no 3 is entitled for compensation of Rs. 2,44,000/- (Rupees Two Lakh Forty Four Thousand only).

52. The petitioner no 1 to 3 are together entitled for compensation of Rs.8,85,000/- (Rupees Eight Lakhs Eighty Five Thousand only)

53. Regarding interest There is no unbridled power to award interest and there is a need to award interest consistently and uniformly. The Nationalised Banks are now granting interest at the rate of upto 7.10% p.a on fixed deposits for one year. It is the view of the Honble Supreme Court that the interest payable should be normally linked to the rate of interest paid by Nationalised Banks on fixed deposits for one year, and it will be most appropriate to adopt the same,

as the basis. Hence, I answer above issue in the affirmative accordingly.

54. Regarding fixation of liability is concerned this court has observed that respondent No.1 is the driver, respondent No.2 is the Divisional Manager and respondent No 3 is the Managing Director

55. As per charge sheet the driver of the KSRTC bus was rash and negligent. The respondent is a statutory company KKRTC. Thus it is deemed that vehicle documents were in order. Hence, the respondent No.2 and 3 are being the owner of the offending vehicle is solely responsible to pay the compensation to the petitioner. Accordingly, the respondent No.2 and 3 are liable to pay the compensation in their official capacity. Hence, this issue is answered in the affirmative accordingly.

56. Issue No.3:- In view of the guidelines issued by the Hon'ble High Court of Karnataka in circular no. 2/2019 dated 19.08.2019 in LCA I-120/2013, as per the guidelines are laid down to be followed in cases of accident as per the

judgment in MFA no. 2509/2019 (ECA) in the case of Smt Yamuna Channabasappa Shetty Vs K Raghukumar @ Raghu, the insurer is directed to credit the award amount to the bank account of the petitioner directly by NEFT or RTGS and inform the tribunal about the compliance made in this regard. Further the petitioner is hereby directed to furnish the details about the bank account with IFSC code and PAN card with copies of the said document at the office of the tribunal forthwith.

57. In view of my findings on issue Nos.1 and 2, I proceed to pass the following:-

ORDER

The petition is hereby partly allowed with costs of Rs. 1,500/-.

The petitioner no 1 to 3 are together entitled for a sum of Rs.8,85,000/- (Rupees Eight Lakhs Eighty Five Thousand only) as compensation.

The petitioner no 2 is entitled for a sum of Rs.3,20,500/- (Rupees Three

Lakhs Twenty Thousand and Five Hundred only) as compensation.

The petitioner no 3 is entitled for a sum of Rs. 2,44,000/- (Rupees Two Lakh Forty Four Thousand only) as compensation.

The petitioners are entitled interest @ 7.1 % p.a on the compensation from the date of petition till the realization thereof.

The respondents No. 2 and 3 are jointly and severally liable to pay the compensation to the petitioners in their official capacity.

The respondent No.2 and 3 shall deposit the compensation amount within 30 days as required U/sec., 168(3) of Motor vehicle Act, 1988

Respondent No.2 and 3 shall deposit entire amount to the bank account of the petitioners directly by NEFT or RTGS mode Intimate the tribunal accordingly.

Advocate fee is fixed at Rs. 1,500/-.

Draw award accordingly.

(Directly computerized by me on the computer, revised, corrected signed by me then pronounced in the open court this the 2nd day of May 2026).

(Smt. Usharani R)
Senior Civil Judge and VII Addl. MACT,
Harapanahalli.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR PETITIONER:

P.W.1: Sri.Basavaraja Vaddina s/o late Vaddina
Kumaraswamy

LIST OF DOCUMENTS EXHIBITED ON PETITIONER :

- Ex.P.1 : Certified copy of FIR
Ex.P.2 : Certified copy of complaint
Ex.P.3 : Certified copy of spot panchanama
Ex.P.4 : Certified copy of sketch
Ex.P.5 : Certified copy of photos
Ex.P.6 : Certified copy of vehicle seizure panchanama
Ex.P.7 : Certified copy of charge sheet
Ex.P.8 : Certified copy of Inquest Panchanama
Ex.P.9 : Certified copy of Post mortem report
Ex.P.10 : Certified copy of IMV report.
Ex.P.11 : Authority letter
Ex.P.12 : Certified copy of letter

- Ex.P.13 : Certified copy of R.C.
Ex.P.14 : Certified copy of breakdown report
Ex.P.15 : Certified copy of allocation of duty
Ex.P.16 : Certified copy of identity card
Ex.P.17 : Certified copy of driving license
Ex.P.18 : Certified copy of aadhar card
Ex.P.19 : Rent agreement.
Ex.P.20 : Certified copy of order sheet

**LIST OF WITNESSES EXAMINED FOR
RESPONDENTS:**

RW.1: Sri. Raghavendra s/o Veerabharaiiah P.M

**LIST OF DOCUMENTS EXHIBITED BY THE
RESPONDENTS:**

- Ex.R.1 : Authorization Letter

(Smt Usharani R),
Senior Civil Judge and VII Addl.
MACT, Harapanahalli.

Petitioner No.1 Sri. Basavaraja Vaddina
s/o late Vaddina Kumaraswamy

Aadhar card No.4453 2297 0539
Bank Details: SBI B.K.Road branch,
Sandur, IFSC No.SBIN0040124,
Account No. 64070989492, Pan
No.BAAPV3075K.

Petitioner No.2 Sri. Nagaraja V s/o late
Vaddina Kumaraswamy
Aadhar card No.5744 2741 7243

Petitioner No.3 Smt. Manjula w/o
Mallikarjuna
Aadhar Card No.9363 3520 8479