

KAYG020001552025



1

M.V.C.No.33/2025

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL -II
YADGIR**

Present: **Sri. Balasaheb Wadavade,
B.Com., LL.B.(Spl.)**

Senior Civil Judge and CJM,
Yadgir and MACT-II Yadgir.

Dated this the 21st Day of May 2026

M.V.C No.33/2025

- PETITIONERS :**
1. Minaxi @ Meenakshi W/o Kishan
Age: 29 Yrs, Occ: Household,
 2. Priya D/o Kishan,
Age: 08 Yrs, Minor,
 3. Anjali D/o Kishan,
Age: 06 Yrs, Minor,
 4. Deepa D/o Kishan,
Age: 05 Yrs, Minor,
 5. Pavan S/o Kishan,
Age: 03 Yrs, Minor,
Petitioner No.2 to 5 U/guardian of
their natural mother i.e petitioner
No.1
 6. Lingibai W/o Rupsingh,
Age: 50 Yrs, Occ: Household,
All are R/o Mudnal Sanna Tanda,
Tq and Dist: Yadgiri.

(Petitioners No.1 to 6 are represented by Sri. P.C.M.P Adv.)

KAYG020001552025



2

M.V.C.No.33/2025

// VERSUS //

- RESPONDENTS :**
- 1.** Basavaraj S/o Bheemaraya,
Age: 50 Yrs , Occ: Owner of vehicle
Tractor new Holland bearing
Reg.No.KA-33-TA-8964,R/o
Hattinkuni, Tq and Dist: Yadgiri

 - 2.** Cholamandalam M.S. General
Insurance Co.Ltd,
Unit No.4, Level Golden Heights
Complex, 59 C-Cross,Industrial Sub
Rub Rajaji Nagar,Bangalore- 560010.

(Respondent No.1 Ex-parte.)

(Respondent No.2 represented by: Sri. T.G.K. Adv.)

J U D G M E N T

This is a petition filed by the petitioners under section 166 of M. V. Act, 1989 by seeking compensation of Rs.97,00,000/- for the death along with an interest from the date of accident till its realization in the interest of justice.

2. Facts of the petition are as under:

The petitioners have alleged that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, Kishan S/o Roopasingh,

KAYG020001552025



3

M.V.C.No.33/2025

Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Kishan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Kishan died on 24.12.2024.

3. The Kishan S/o Roopasingh was hale and healthy prior to accident and doing labour work and getting income of Rs.30,000/- per month. On all these grounds, the petitioners have claimed Rs.97,00,000/- as compensation.

KAYG020001552025



4

M.V.C.No.33/2025

4. After registration of the petition, this court has issued notice against the respondents, notices were served against them, the respondent No.1 has not appeared. Further respondent No.2 has appeared and filed objection to main petition wherein he has denied the contents of petition paras. He admits that tractor bearing Reg.No.KA-33-TA-8964 has covered insurance policy with him. Driver of the Tractor bearing Reg.No.KA-33-TA-8964 did not possess valid and effective driving licence at the time of accident. An accident did not take place due to the negligence of driver of the Tractor. The compensation claimed by the petitioners are more excessive, exorbitant and exaggerated. He has prayed to dismiss the petition.

5. On the basis of pleadings, the following issues that have arisen for my consideration,

ISSUES

1. Whether the petitioners prove that on 23-12-2024, at about 07.00 pm, on the



main road of Yadgiri-Yergol, near Yergol by pass road, Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Kishan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Kishan died on 24.12.2024.?

2. Whether the respondent No.2 proves that driver of the tractor bearing registration No.KA-33-TA-8964 did not possess valid and effective driving licence at the time of accident?



- 3.** Whether the petitioners are entitled for the compensation? If so, by whom and what is the quantum?
- 4.** What order or award?
- 6.** In support to their case, petitioner No.1 examined herself as P.W.1 and got marked documents and closed her side evidence. On the other hand, respondent No.2 did not adduce evidence either oral or documentary.
- 7.** Heard arguments on both sides. Perused the case papers.
- 8.** My answer to the above issues are as under:

 - Issue No.1 :** In the affirmative.
 - Issue No.2 :** In the negative.
 - Issue No.3:** In the partly affirmative.
 - Issue No.4 :** As per final order for the following;

R E A S O N S

KAYG020001552025



7

M.V.C.No.33/2025

9. Issue No.1 :- In order to prove this issue, petitioner No.1 examined herself as P.W.1 by filing examination in chief affidavit wherein she has alleged that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, her husband by name Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and traylor drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Kishan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Kishan died on 24.12.2024. Her husband by name

KAYG020001552025



8

M.V.C.No.33/2025

Kishan S/o Roopasingh was hale and healthy prior to accident and doing labour work and getting income of Rs.30,000/- per month, in order to prove these facts, the PW-1 has produced the following documents,

Ex.P-1 is the certified copy of first information report of Yadgir Rural police station crime number 0234/2024.

Ex.P-2 is the certified copy of the complaint.

Ex.P-3 is the certified copy of the final report.

Ex.P-4 is the certified copy of the inquest panchanama.

Ex.P-5 is the certified copy of the spot panchanama.

Ex.P-6 is the certified copy of postmortem report.

Ex.P-7 is the certified copy of the motor vehicles accident report.

KAYG020001552025



9

M.V.C.No.33/2025

10. Carefully perused the documents by this tribunal, these documents are suffice that on 24.12.2024, petitioner No.1 has lodged an information against driver of the tractor bearing registration No.KA-33-TA-8964 by making allegation that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, her husband by name Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Kishan shift Government Hospital Yadgir and thereafter to United Hospital

KAYG020001552025



10

M.V.C.No.33/2025

Kalaburagi wherein Kishan died on 24.12.2024. On this information, the police have registered a case against driver of the tractor bearing registration No.KA-33-TA-8964 in crime No.0234/2024 and after completion of investigation, the police have filed final report against driver of the tractor bearing registration No.KA-33-TA-8964 for the offences punishable under sections 106(1), 125(b) and 281 of the BNS, 2023 and sections 180, 181, 192(1) and 196 of the I.M.V, Act. Further Ex.P.1 to 7 are corroborated with an evidence of PW-1. Further evidence of PW-1 and documents are not challenged by the respondent No.1 by appearing. Further PW-1 cross examined by the learned counsel for the respondent No.2 but nothing has been elicited in her mouth to support his defence. Further this is a claim petition arisen out of the accident, proving of negligence of offending vehicle is only preponderance of probabilities and not required standard of proof

KAYG020001552025



11

M.V.C.No.33/2025

beyond reasonable doubt as required in a criminal case. This principles of law was laid down by the Hon'ble High Court of Karnataka, in **2011 SAR (Civil) 319 Kusum and others Vs Satbir and others**, therefore consideration of the evidence of PW-1 and documents, clearly goes to show that accident was occurred due to negligent driving the tractor bearing registration No.KA-33-TA-8964 by its driver. This tribunal held that injuries were caused to the husband of PW-1 and died due to negligent driving of the tractor. Thus on above said reasons this tribunal has held that petitioners have proved the issue No.1, hence it is answers in the affirmative.

Issue No.2: In order to prove this issue, respondent No.2 has filed objection to main petition in order to prove the contents of it, he did not enter into witness box, hence adverse inference drawn against him ie

KAYG020001552025



12

M.V.C.No.33/2025

respondent No.2 **as per section 119(g) of the Bharatiya Sakshya Adhinyam, 2023.**

Perused the case papers it reveals that police have filed final report against driver of the tractor bearing registration No.KA-33-TA-8964 for the offences punishable under sections 106, 125(b) and 281 of the BNS, 2023 and section 192(1) of the I.M.V. Act. So final report suffice that respondent No.1 had not violated insurance policy of the tractor bearing registration No.KA-33-TA-8964. Further driver of the tractor bearing registration No.KA-33-TA-8964 had valid and effective driving licence and it was insured with the respondent No.2 at the time of accident. Thus respondent No. 2 has failed to prove this issue. Accordingly this tribunal answers this issue in the negative.

11. ISSUE No.3:- the petitioners have stated that petitioner No.1 is the wife, petitioner No.2 to 4 are the

KAYG020001552025



13

M.V.C.No.33/2025

daughters and petitioner No.5 is the son and petitioner No.6 is the mother of the deceased Kishan S/o Roopasingh. There is no serious dispute regarding relationship of the petitioners with the deceased. It shows that petitioners are depending on the income of the deceased. To assess the compensation, the tribunal has to look into several factors like age, avocation, income of deceased, conveyance charges, funeral and obsequies, towards loss of love and affection, etc.

(A) Towards dependency and loss of future earnings : In the petition, age of the deceased by name Kishan S/o Roopasingh shown as 28 years. Age of the deceased shown in the postmortem report as 28 years. Date of accident took place on 23-12-2024. Further counsel for the petitioners has produced the aadhar card of the deceased along with a memo on 02.05.2026 wherein date of birth mentioned as 08.07.1996. So

KAYG020001552025



14

M.V.C.No.33/2025

age of the deceased at the time of accident was 28 years, 2 months and 6 days. So age of the deceased at the time of accident was 29 years was running as per aadhar card. In a judgment reported in **(2017) 16 SCC 680 National Insurance Company Limited V/s Pranay Sethi** wherein the Hon'ble Supreme Court of India has held that the age of the deceased is to be considered for applying multiplier. As per dictum of Hon'ble Supreme Court of India reported in **AIR 2009 SC 3104 Sarla Verma V/s Delhi Transport Corporation** "17" is the multiplier is applicable in the present case.

The petitioners have stated that Kishan was doing labour and getting Rs.30,000/- per month but in order to prove this fact, the petitioners have not produced any income document of the deceased, hence I would like to refer the guidelines issued by the Hon'ble Karnataka Legal Service Authority wherein the Hon'ble

KAYG020001552025



15

M.V.C.No.33/2025

Karnataka Legal Service Authority has fixed the notional income of the year **2022 at Rs.14,750/- for determination of income before lokadalat for the districts coming under the Hon'ble High Court of Karnataka, Dharwad and Kalaburagi benches.** So in view of fixing of notional income by the Hon'ble Karnataka Legal Service Authority, it is just and proper to the tribunal, to follow the notional income which was fixed by the Hon'ble Karnataka Legal Service Authority to decide the cases before tribunal. So in this case, the PW-1 has not produced any cogent documentary evidence to prove the income of the deceased. Accordingly, the notional income of husband of PW-1 during the year 2024 treated as Rs.14,750/- pm. Accordingly, income of the deceased is considered as 14,750/- pm.

15. In view of ratio led down by the Hon'ble Supreme Court of India, the petitioners are entitled for future

KAYG020001552025



16

M.V.C.No.33/2025

prospects with regard to the loss of future prospectus is concern, the Hon'ble Supreme Court of India in the decision reported in **2017 ACJ 2700 SC National Insurance Company Limited V/s Pranay Sethi and others**, wherein the Hon'ble Supreme Court of India has held at para No.61 that,

(iii) While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

(iv) In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established

KAYG020001552025



17

M.V.C.No.33/2025

income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

(v) For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 30 to 32 of Sarla Verma which we have reproduced herein before.

(vi) The selection of multiplier shall be as indicated in the Table in Sarla Verma read with paragraph 42 of that judgment.

KAYG020001552025



18

M.V.C.No.33/2025

(vii) The age of the deceased should be the basis for applying the multiplier.

(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.

In this case, deceased was 29 years old, therefore the income of the deceased Rs. 14,750/- per month. Applying the principles enunciated in **National Insurance company Ltd, V/s Pranay Seth and other reported in 2017 ACJ 2700 SC** the compensation to be assessed as follows;

- I) Income of the deceased : Rs. 14,750/-
- II) 40% future prospects: Rs. 5,900/-

KAYG020001552025



19

M.V.C.No.33/2025

Total Income Rs. 20,650/-.

The deceased was married at the time accident and has 6 dependent, hence total deduction towards personal and living expenses of the deceased is 1/4 Rs.20,650-5,162 comes to Rs.15,488. Rs.15,488 is contribution to the family. This amount is to be converted into an annual income Rs.15,488 X 12 = 1,85,856/-. Annual income of the deceased towards family comes to Rs.1,85,856/-.

Towards loss of dependency: Annual contribution of the deceased towards family was Rs.1,85,856/-, same is multiplied with "17" Rs.1,85,856 X 17 = Rs.31,59,552/-. The petitioners is entitled compensation Rs.31,59,552/- under the head of dependency.



(B). Towards Conveyance: the petitioners are entitled Rs.10,000/- towards conveyance.

(C). Towards funeral expenses: the petitioners are entitled 15,000/ towards funeral expenses.

(D). Towards loss of estate: the petitioners are entitled Rs.15,000/- towards loss of estate.

(E). Towards loss of consortium and love and affection: the petitioners are entitled Rs.40,000/- each towards loss of consortium and love and affection.

So, the petitioners are entitled for total compensation under the following heads;-

- 1.Loss of dependency : Rs.31,59,552/-
2. Conveyance : Rs.10,000/-
3. Funeral Expenses : Rs.15,000/-
4. Loss of estate. : Rs.15,000/-

KAYG020001552025



21

M.V.C.No.33/2025

5. Loss of consortium and love and affection Rs 40,000

x 6 : Rs.2,40,000/-

Total Rs.34,39,552/-

Hence, petitioners are entitled to an amount of Rs.34,39,552/-

Regarding liability :- As stated above the petitioners have proved that the accident was caused due to negligent driving the tractor bearing reg No.KA-33-TA-8964 and caused the death of husband of the PW-1. Therefore, respondent No.1 is the owner and respondent No.2 is the insurer of the tractor bearing reg No.KA-33-TA-8964. Hence respondent No.1 and 2 are jointly and severally liable to pay compensation amount of Rs.34,39,552/- to the petitioners with an interest at the rate of 6% from the date of petition till realization of amount. Hence, this

KAYG020001552025



22

M.V.C.No.33/2025

tribunal answers the issue No.3 in the partly Affirmative.

16. **ISSUE NO.4:-** In view of reasons stated in the issue No.1 to 3, this tribunal proceeds to pass the following:

O R D E R

A claim petition filed by the petitioners under section 166 of the motor vehicle Act, 1989 is hereby partly allowed with cost.

The petitioners are entitled compensation amount of Rs.34,39,552/- (Thirty four lakh, thirty nine thousand and five hundred fifty two rupees only) from the respondents along with 6% interest per month from the date of award.

The respondent No.1 and 2 are jointly and severally liable to pay the compensation amount of Rs.34,39,552/- (Thirty four lakh, thirty nine thousand and five hundred fifty two rupees only) along with

KAYG020001552025



23

M.V.C.No.33/2025

interest at 6% per month to the petitioners within one month from the date of order.

The respondent No.2 being the insurer he is primarily liable to deposit compensation amount of Rs.34,39,552/- (Thirty four lakh, thirty nine thousand and five hundred fifty two rupees only) within one month from the date order.

Office is hereby directed to release 70% of compensation amount to the petitioners and 20% of compensation amount shall be kept fixed deposit in the name of petitioner No.2 to 5 in any nationalized bank or schedule bank till attaining their majority and 10% compensation amount shall be kept fixed deposit in the name of petitioner No.1 and 6 in any nationalized bank or schedule bank for a period of 2 years after deposit by the respondent No.2.

KAYG020001552025



24

M.V.C.No.33/2025

Advocate fee is fixed at Rs.2000/-.

Draw an Award accordingly.

(Typed by me on the laptop, corrected by me and then pronounced in the open court this the 21st day of May-2026)

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri

KAYG020001552025



25

M.V.C.No.33/2025

A N N E X U R E

LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS :

P.W-1 : Meenakshi W/o Kishan.

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :

Nil

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONERS :

Ex.P-1 : Certified copy of FIR.

Ex.P-2 : Certified copy of Complaint.

Ex.P-3 : Certified copy of the final report.

Ex.P-4 : Certified copy of Inquest Panchanama.

Ex.P-5 : Certified copy of Spot Panchanama.

Ex.P-6 : Certified copy of postmortam report.

Ex.P-7 : Certified copy of the I.M.V Report.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS :

Nil

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri.